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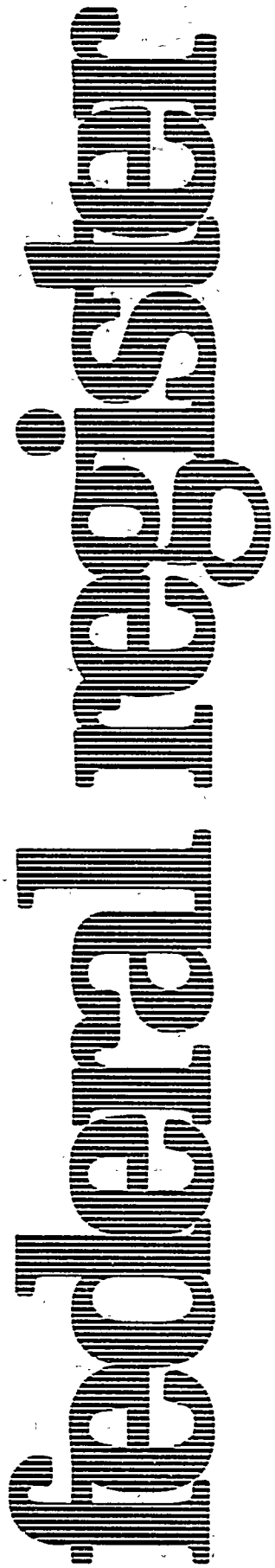

Monday
January 14, 1980

NOTE:
Due to a shortage of newsprint, today's Federal Register is printed on a higher quality paper. As supplies become available, the Federal Register will resume the use of newsprint.

Highlights

Briefings on How To Use the Federal Register—For details on briefings in Washington, D.C., see announcement in the Reader Aids Section at the end of this issue.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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MEETINGS ANNOUNCED IN THIS ISSUE

CHANGED MEETING

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
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ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Part 3

Federal Register Subscription Rate

AGENCY: Administrative Committee of the Federal Register.

ACTION: Final rule.

SUMMARY: The subscription rates for the Federal Register are increased to $75.00 a year or $45.00 for six months. In addition, the single copy price is increased to $1.00. The increased prices are based on the increase in production costs since the last Federal Register price increase was put into effect September 19, 1975.

EFFECTIVE DATE: February 1, 1980.

FOR FURTHER INFORMATION CONTACT: Denise Normandin, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408, 202–523–5240.

SUPPLEMENTARY INFORMATION: Since the Administrative Committee announced the last price increase of Federal Register subscriptions, the number of pages which must be printed have increased and the cost of production, including materials and postage, has increased more than 50%. Further, Congressional appropriations no longer are available to subsidize publication and distribution of the Federal Register. The Federal Register now must be entirely self-supporting. Therefore, the Administrative Committee raises the annual subscription price and single issue price of the Federal Register and changes the minimum subscription period from one month to six months.

1. The authority citation for Part 3 reads as follows:

Authority: 44 U.S.C. 1505; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

2. Section 3.4 is amended by revising paragraph (b)(3) to read as follows:

§3.4 Subscriptions and availability of Federal Register publications.

* * * * *

(b) * * *

(3) Federal Register. Daily issues will be furnished by mail to subscribers for $75.00 per year or $45.00 for six months. Subscription fees are payable in advance to the Superintendent of Documents, Government Printing Office. Limited quantities of current or recent copies may be obtained for $1.00 per copy from the Superintendent of Documents, Government Printing Office.

* * * * *

James E. O'Neill,
Acting Chairman.

John J. Boyle,
Member.

Leon Ulman,
Member.

Approved:

Benjamin R. Civiletti,
Attorney General.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 80-1098 Filed 1-11-80; 8:45 am]
BILLING CODE 6820-26-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1133

[Docket No. AO-275-A31]

Milk in the Inland Empire Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the present order provisions pertaining to pool plant qualifications standards for distributing plants, and to how much milk may be moved directly from producers' farms to nonpool plants and still be priced under the order. It also amends various payment and reporting dates. The amendments are based on industry proposals considered at a public hearing held June 12–13, 1979. The changes, which have been approved by more than two-thirds of the producers in the market, are necessary to reflect current marketing conditions and to assure orderly marketing in the area.

EFFECTIVE DATE: March 1, 1980.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S Department of Agriculture, Washington, D.C., 20250, 202–447–7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of hearing: Issued May 14, 1979; published May 18, 1979 (44 FR 29088).

Suspension order: Issued August 15, 1979; published August 20, 1979 (44 FR 48646).

Recommended decision: Issued October 31, 1979; published November 6, 1979 (44 FR 64087).

Suspension order: Issued December 17, 1979; published December 21, 1979 (44 FR 75619).

Final decision: Issued December 20, 1979; published December 27, 1979 (44 FR 76543).

Findings and Determinations

The following findings and determinations supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed.

(a) *Findings.* A public hearing was held to consider certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid

factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commerical activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by a least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1133.7, paragraph (d) is revised to read as follows:

§ 1133.7 Pool plant.

* * * * *

(d) The term pool plant shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area. However, if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the fourth consecutive month in which a greater proportion of its route disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this subparagraph, it is regulated under such other order;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which there is a greater quantity of route disposition, except filled milk, in this marketing area than in such other marketing area but which plant is, nevertheless, fully regulated under such other order; or

(4) A plant pursuant to paragraph (b) of this section which also meets the pool plant requirements of another Federal order and from which greater shipments of fluid milk products, except filled milk, are made during the month to plants regulated under such other order than are made to plants regulated under this order.

§ 1133.9 [Amended]

2. In § 1133.9(f), the reference to "§ 1133.7(d)(2)" is changed to "§ 1133.7(d) (2), (3), or (4)."

3. In § 1133.13, paragraph (c) is revised to read as follows:

§ 1133.13 Producer milk.

* * * * *

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account under paragraph (b)(1) of this section the milk of any member-producer eligible for diversion. The total quantity of milk so diverted may not exceed 70 percent in any of the months of September through February, and 80 percent in any of the months of March through August, of its total member-producer milk received at all pool plants or diverted therefrom during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member-producers if each association has filed in writing with the market administrator a request for such computation;

(2) A handler operating a pool plant may divert for his account under paragraph (a)(2) of this section milk of any producer eligible for diversion, other than a member of a cooperative association which diverts milk under paragraph (c)(1) of this section. The total quantity of milk so diverted may not exceed 70 percent in any of the months of September through February, and 80 percent in any of the months of March through August, of the milk received at or diverted from such pool plant during the month from producers who are not members of a cooperative association that diverts milk under paragraph (c)(1) of this section;

(3) Milk diverted in excess of the limits specified shall not be considered as producer milk, and the diverting handler shall specify the producers whose milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by the handler.

(4) Producers eligible for diversion are those whose milk has been received at the pool plant prior to diversion from such plant (but not necessarily in the current month). Producers eligible for diversion in the months of September, October, or November must in addition have at least one day's production physically received at a pool plant in the respective month; and

(5) For the purpose of location adjustments pursuant to §§ 1133.52 and 1133.75, diverted milk shall be considered to have been received at the location of the plant to which diverted.

§ 1133.30 [Amended]

4. In the introductory paragraph of § 1133.30, the number "7th" is changed to "9th".

§ 1133.31 [Amended]

5. In the introductory paragraph of § 1133.31, the number "20th" is changed to "22nd" and the reference to "§ 1133.7(d)(2)" is changed to "§ 1133.7(d) (2), (3), or (4)".

§ 1133.32 [Amended]

6. In § 1133.32 (a) and (c), the reference to "§ 1133.7(d)(2)" is changed to "§ 1133.7(d) (2), (3), or (4)"; and in § 1133.32(d), the number "17th" is changed to "19th".

§ 1133.62 [Amended]

7. In the introductory paragraph of § 1133.62, the number "12th" is changed to "14th".

§ 1133.71 [Amended]

8. In the introductory paragraph of § 1133.71, the number "14th" is changed to "16th"; and in paragraph (c), the reference to "§ 1133.7(d)(2)" is changed to "§ 1133.7(d) (2), (3), or (4)".

§ 1133.72 [Amended]

9. In § 1133.72, the number "15th" is changed to "18th".

10. In § 1133.73, the number "17th" in paragraph (b) is changed to "19th", and paragraphs (c) and (d) are revised to read as follows:

§ 1133.73 Payments to producers and to cooperative associations.

* * * * *

(c) In lieu of payments to individual producers pursuant to paragraphs (a) and (b) of this section, payments shall be made to a cooperative association which requests such payment in writing and which the market administrator determines is authorized by its members to collect payments for their milk. The request for such payment and a written promise to reimburse the handler for any actual loss incurred by him because of an improper claim on the part of the cooperative association shall be sent to both the handler and the market administrator. In addition, the cooperative shall file simultaneously with the market administrator a certified list of members which shall be subject to verfification at his discretion through audit of the pertinent records of the cooperative association. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination. Payments pursuant to this paragraph shall be made as follows:

(1) On or before the second day prior to the date of payment pursuant to paragraph (a) of this section, an amount equal to the sum of the individual payments otherwise payable to such producers pursuant to such paragraph; and

(2) On or before the 18th day after the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers pursuant to paragraph (b) of this section.

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1133.9(b)(2) and (c) shall pay such cooperative association for such milk as follows:

(1) On or before the second day prior to the date payments are due individual producers, a partial payment for milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) On or before the 18th day of the month, a final payment for such milk at the applicable uniform price, less payment made pursuant to paragraph (d)(1) of this section.

* * * * *

§ 1133.85 [Amended]

11. In § 1133.85, the number "14th" is changed to "16th".

§ 1133.86 [Amended]

12. In § 1133.86(b), the number "14th" is changed to "16th" and in § 1133.86(c) the number "16th" is changed to "18th".

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674)

Effective date: March 1, 1980

Signed at Washington, D.C., on January 9, 1980.

Jerry Hill,

Deputy Assistant Secretary for Marketing Services.

[FR Doc. 80-1205 Filed 1-11-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1280

[Docket No. WR-1]

Wheat and Wheat Foods Research and Nutrition Education Order and Decision; Document Classification Correction

Correction

A correction concerning the classification of a document from a Rule (44 FR 72866, December 14, 1979) to a Proposed Rule appears in the Proposed Rules section of this issue. Refer to the "Contents" under "Agricultural Marketing Service" for the correct page number.

BILLING CODE 1505-01-M

Farmers Home Administration

7 CFR Parts 1809, 1822, 1922, 1944

[FmHA Instruction 1922-B]

Subpart B—Appraisal of Real Estate Security for Rental, Cooperative and Labor Housing Loans; Redesignation—Revision

AGENCY: Farmers Home Administration, USDA.

ACTION: Final Rule with comments requested.

SUMMARY: The Farmers Home Administration (FmHA) revises and redesignates its regulations regarding the appraisal of real estate security for rental, cooperative and labor housing loans. This action is taken to implement a portion of the overall administrative restructuring of the Agency regulations to change all references from senior citizens to elderly and handicapped persons and to have the regulation reflect Regulations B of the Equal Credit Opportunity Act. This will remove language which suggests or allow for racial, ethnic, national origin, religion, or sex consideration in the real estate valuation process.

EFFECTIVE DATE: January 14, 1980. However, comments must be received on or before March 14, 1980.

ADDRESSES: Submit an original and conformed copy of all written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250. All wirtten comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Robert Cole, U.S. Department of Agriculture, FmHA, Room 5351, South Agriculture Building, Washington, DC 20250, Phone: 202–447–7207.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration amends its regulations regarding appraisal by redesignating and revising Part 1809 Subpart B to a new Subpart B of Part 1922 of Subchapter H, Chapter XVIII, Title 7 in the Code of Federal Regulations. This action is taken to incorporate three primary changes:

(1) To authorize, in some instances, the District Directors and Assistant District Directors to appraise Multiunit Housing.

(2) To change all references from senior citizens to elderly and handicapped.

(3) To reflect the equal Credit Opportunity Act, Regulation B.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the major changes in the document result for the internal reorganization of the Farmers Home Administration which is not subject to the prior rulemaking requirement. This determination has been made by Paul R. Conn, Director, Multiple Housing Management Support.

Therefore, various sections and Subparts of Chapter XVIII are revised and redesignated as follows:

SUBCHAPTER A—GENERAL REGULATIONS

PART 1809—APPRAISALS

Subpart B—Appraisal of Real Estate Security for Rental, Cooperative and Labor Housing Loans—

§§ 1809.11–1809.16 [Deleted]

1. Subpart B of Part 1809 is revised and redesignated as Part 1922, Subpart B.

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

§ 1822.84 [Amended]

2. In § 1822.84, paragraph (a)(4)(iii), line 5, change "Part 1809" to "Part 1922, Subpart B"

§ 1822.90 [Amended]

3. In § 1822.90, paragraph (a), line 8, change "Part 1809" to "part 1922, Subpart B" and in line 12, change "Subpart B of part 1909" to "part 1922, Subpart B".

SUBCHAPTER H—PROGRAM REGULATIONS

PART 1944—HOUSING

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures and Authorizations

§ 1944.157 [Amended]

4. In § 1944.157, paragraph (a)(7)(iii), lines 4, 5 and 6, change the reference from "Subparts A and B of Part 1809 of this Chapter (FmHA Instructions 442.2 or 422.3)" to "Part 1809, Subpart A, (FmHA Instructions 422.3) or Part 1922, Subpart B".

PART 1922—APPRAISAL

5. A new Subpart B of Part 1922 is added to Subchapter H and reads as follows:

Subpart B—Appraisal of Real Estate Security for Rental, Cooperative, and Labor Housing Loans

Sec.

Authority: 42 U.S.C. 1480, (Housing); Delegations of authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart B—Appraisal of Real Estate Security for Rental, Cooperative, and Labor Housing Loans

§ 1922.51 General.

This Subpart prescribes the policies and procedures for the appraisal of real property serving as security for Rural Rental Housing (RRH) Rural Cooperative Housing (RCH), and Farm Labor Housing (LH) loans involving two or more living units. Real estate security for LH loans to finance dormitory type housing will also be appraised in accordance with this Subpart. Security for multiple family housing loans for single family dwellings involving one living unit will be appraised on the same basis as security for a Section 502 loan. Real estate securing RRH, RCH, and LH loans will be appraised for its present market value. Capitalization, replacement and comparable sales values will be considered in arriving at present market value.

(a) *Employee authorized to appraise the property.* The employee designated by the State Director as appraiser-trainer for the State will be authorized to make this type of appraisal. This will normally include the employees designated by the State Director as State Multiple Housing Coordinator, qualified State staff members and selected District Directors and Assistant District Directors. The authorization will be made in writing to the selected District Directors and Assistant District Directors on an individual case basis after proper training has been given, a minimum (generally three) number of appraisal reports have been reviewed by the State Office and determined adequate and the employee has demonstrated competence and ability in conducting multiunit appraisals. In extremely large and/or complicated projects the State staff appraiser should make the appraisal or provide the necessary assistance to complete the appraisal.

(b) *Selection of district offices and designation of district staff to conduct Multiple Family Housing (MFH) appraisals.* The State Director will select a limited number of District Offices and the District Director and/or Assistant District Director to serve as the appraiser for a geographical area. In establishing the geographical area, consideration will be given to the appraisal activity for Multiple Family Housing loans in the area. The selected number of designated appraisers will be based on the number of MFH appraisals normally made in one fiscal year and should allow each designated appraiser to complete at least 10 appraisals annually. This will include appraisals made for loan processing and servicing. The State Director should consider the recommendation of the Chief of Rural Housing and the Multiple Housing Coordinator in the evaluation of the offices and employees to be designated as MFH appraisers in the field.

(c) *Appraisal form.* Form FmHA 422-7, "Appraisal Report for Multiunit Housing," will be used to make RRH, RCH, and LH appraisals involving two or more living units.

(d) *Assumed operation.* The appraiser will assume that the property will be used for the purpose proposed.

(e) *Nondiscrimination appraisal criteria.* The Fair Housing Act, Title VIII of Civil Rights Act of 1968, 42 U.S.C. 3601 *et seq.* prohibits discrimination on the basis of race, color, religion, sex or national origin, in the sale, rental, leasing or financing of housing. Since a determination of specific value by an appraiser substantially affects not only a specific sale price, but also establishes the outside limit on the value of a property, it is essential that an appraiser utilize objective and nondiscriminatory criteria in reaching a determination of value in accordance with this Subpart.

§ 1922.52 Definitions of appraisal terms.

(a) *Capitalization value.* This is the value that a prudent investor likely would pay for the property based on its estimated future earnings. It is determined by dividing the net income by an appropriate capitalization rate.

(b) *Replacement value.* This is the summation of the costs of the property including land, fees, and services that would be required to replace or duplicate the property as improved, giving proper consideration to allowances for obsolescence and depreciation.

(c) *Comparable sales value.* This is a measure of the market value of a property estimated by comparision with similar properties recently sold in the open market or constructed in the same vicinity.

(d) *Present market value.* The present market value is the amount a typical purchaser would be willing to pay and would be justified in paying for the property as improved. It is assumed that the property would sell for this amount with a reasonable sales effort, and that the purchaser would be a willing but not anxious buyer and the seller would be a willing but not forced seller.

(e) *Depreciation.* Depreciation is loss in value of the building compared with replacement costs. Depreciation is also a loss in the utility of the improvment and is caused by natural forces, use and/or other conditions outside the property.

(f) *Obsolescence.* Obsolescence refers to those changes in the life of a structure which cause it to become less attractive, less desirable, or less useful. Obsolescence does not necessarily affect the physical life of a building; however, it operates to terminate economic life, due to functional or environmental obsolescence.

(1) *Functional obsolescence* is caused by unserviceable or unattractive features, and

(2) *Environmental obsolescence* features, is caused by unattractive or nuisance-creating surroundings and/or other conditions outside the property.

§ 1922.53 Considerations influencing value.

(a) *General.* The location of the housing development with respect to availability of essential goods and services, employment, transportation, schools, water and sewer services, places of worship, medical services, education and recreation, shopping facilities, community setting, and potential alternative uses are important considerations in appraising multiunit housing. These considerations are necessary because the presence of these amenities may serve the needs of the inhabitants.

(1) The appraiser should recognize any significant unfavorable location factors and reflect them in the recommended present market value. This is one of the most important variables in determining the value of the property. Objectivity is essential in identifying and discussing unfavorable location factors.

(2) Housing located so that the occupants will have ready access to their daily needs and be close to medical and hospital facilities generally will have a higher present market value than similar property located where essential services are not readily available.

(3) Consideration should be given to the population trend of the local community in the case of an RRH loan and farming trends in the case of an LH loan to determine the likelihood that there will be a demand for the housing in the foreseeable future. The appraiser should avoid generalization with respect to population trends of neighborhoods. Older neighborhoods, as well as newer neighborhoods may attract a wide range of residents.

(4) Potential alternative uses of the property in its location should be noted and must be considered in arriving at the present market value. Flexibility and future utility of the property are important. There may be some disadvantages which will limit the use and value of the property for other purposes. There may be some expenditures which were necessary for special-purpose housing that would have little or no application for other uses. In evaluating the future utility of the property, community trends and future requirements in the community are important.

(b) *Types of structures.*—(1) *New structure.* New structures in a good location in areas where a continuing demand exists and which are appropriately designed to meet the needs of elderly or handicapped persons, or farm laborers generally will have a present market value approximating the cost of development plus the value of the site. Special note should be made of functional features since improper design or faulty construction requires an immediate depreciation charge.

(2) *Remodeled structures.* Older structures being remodeled to house elderly or handicapped persons, or farm laborers present complex appraisal problems. Depreciation and obsolescence may have almost terminated the property's economic life. The design of the remodeled structure may be less satisfactory than new construction. The property, however, will have value, although possibly not improved for its highest and best use, provided it will produce a net return that would justify improving the property. In this type of situation, improvements to the old structures plus the mechanical equipment and accessories which are to be installed as part of the security must be given value to the extent that they enhance total property value. The cost of these features, which are usually subject to rapid deterioration and obsolescence, is one of the primary reasons why the cost of renovating old properties is often uneconomical in relation to the probable net returns. The present market value of this type of property will not exceed the value of the site plus the depreciated replacement value of the buildings.

(3) *Economic life of housing.* The economic life of a building can never be greater than its physical life, but frequently is less. A structure may be sound and in good physical condition with a number of years of physical life remaining and yet have reached the end of its economic life. The end of economic life is reached when a structure fails to return sufficient income to cover the cost of operation and maintenance, plus adequate returns for the use of the site. This important consideration in the appraisal of security for housing for elderly or handicapped persons and Labor Housing loans requires a careful evaluation of the housing itself and the economic environment in which it is located.

(4) *Design.* Specially designed housing primarily suited for only one type of use and located to accommodate a special need generally has limited resale possibilities. Such properties ordinarily carry a high risk factor, and net earnings are capitalized at a high rate to attract investors. Extremes in design are likely to have limited market appeal from either a resale or rental standpoint. Only those design features that have general appeal can be considered as adding value if resale depends on buyers from the open market.

(5) *Environmental changes.* Since the amortization period for housing usually will be over a long period of time, it is necessary to consider environmental changes that are likely to affect the value of the property. Industrial encroachment, shifts in economic levels of the people, technological improvements in housing, shifts in agricultural production, and introduction of labor-saving machinery, likely will affect value over the period of the loan. Each of these shifts may bring a different type of potential buyer into the picture, or may sharply reduce or eliminate the demand for special purpose housing at the location.

(c) *Special consideration for housing projects designed for elderly or handicapped persons.* Housing projects designed for elderly and/or handicapped persons will likely consist of new apartments, duplex units, cottage-type arrangements, single family dwelling and housing created by remodeling existing structures. The following are some of the special factors to be considered by the appraiser which affect present market value of rental housing for elderly and/or handicapped persons:

(1) The distances to shopping centers, places of worship, neighborhood stores, and civic, social, medical, and recreational facilities should be considered. Since it is usually difficult to find all of these facilities close at hand, the availability of transportation is an important consideration. Its availability and quality are significant factors in evaluating the location of rental housing units for elderly and/or handicapped persons.

(2) Adequacy of police, fire, municipal services, and hospital facilities are important.

(3) The site should lend itself physically to a good site plan, permitting the economical and convenient installation of housing improvements

and related facilities for use by tenants such as parking, community service buildings and recreational areas.

(d) *Special considerations for Congregate Housing for assisted independant living or group living arrangements.* Housing involving group living arrangements for elderly and/or handicapped persons sharing living spaces within a rental unit and requiring a resident assistant may be one or more single family dwellings or a multi-unit structure. In the case of group living arrangements appraisals will be made in accordance with this Subpart. Also under special conditions such as a congregate housing project or a project housing handicapped tenants, space may be provided for cafeteria, dining areas, and infirmary, therapy room, special bathing room, and other special areas needed by the elderly and handicapped tenants when determined to be economically feasible. The cost of kitchen equipment such as stoves, ovens, steam tables and other such items may be included in the project cost. When ranges, refrigerators, dish washing machines, dryers and other kitchen equipment are included, they will become a part of the security. The appraiser will consider the cost of those items in arriving at the replacement value.

(e) *Special considerations for LH projects.* Housing for domestic farm laborers may consist of separate houses, apartments, rooms, or dormitory facilities and related facilities such as dining halls, central sanitary facilities, and group kitchens. The following are some of the special factors the appraiser will need to consider in determining the present market value of the property:

(1) Frequently, labor housing will be so located and the type of construction will be such that it can only be used for housing domestic farm laborers; therefore, it will have little or no secondary value as far as other uses are concerned. Because of this fact, the appraiser will be concerned with two possibilities:

(i) If the facility is being appraised in an area where a community survey shows that a strong demand for labor housing exists, and is likely to continue in the foreseeable future, it may be assumed that future use of this property will likely be for housing domestic farm laborers. The appraiser will assume that the economic life of the development will equal or approximate the amortization period of the loan. The present market value will then likely approach the construction cost if permanent-type buildings are suitably designed and constructed.

(ii) When housing facilities being appraised are in an area where a community survey indicates a strong demand for farm labor does not exist or the demand is likely to decline significantly in the future to a level where the housing may no longer be needed, the present market value ordinarily would be considerably less than the cost of the facility.

(2) It is important that labor housing be situated within reasonable distance of the place of employment. Preferably the housing should be on a hard-surfaced public road. Any roads and rights-of-way from and to public roads must be adequate and unrestricted. The surroundings and site must be carefully selected to avoid health problems and physical hazards, provide privacy, and be homelike and comfortable.

(i) The availability of schools, service centers, and stores must be considered the same as for farm families. Transportation for school children should be available when the housing is located beyond walking distance.

(ii) The domestic water supply for labor housing is an important consideration. It should meet public health requirements and be conveniently accessible.

(iii) Construction and material should be durable since labor housing is usually treated more severely than housing for more permanent tenants. Construction that will require high maintenance and utilities costs will likely have a lower value than similar housing designed for low maintenance.

(iv) Housing should be suited to the type of laborers being employed. Generally, the housing should be for family units, or be readily convertible to accommodate families.

§ 1922.54 Steps preliminary to making the appraisal.

The appraisal will be made when the applicant has been found to be eligible, and sufficient information has been developed to enable the appraiser to properly evaluate the property. Plans and specifications for the building and site improvements, and cost estimates will be furnished the appraiser in sufficient detail to determine the size and type of structure to be built or improved, the materials to be used, and the improvements to be made to the site. The applicant will be required to furnish photographs of the front, rear, and side exposures in situations involving repair or remodeling of existing housing. Current tax information, the best legal description available, location map and a plot plan should be available. The tentative operating plan and budget also will be furnished the appraiser. When the above information is not adequate or available, the site is found to be unsuitable, or if for any other reason the appraiser determines that an appraisal should not be made the appraiser should list the reason, notify the proper loan official and if applicable, reschedule the appraisal.

(a) *Inspection of property.* The appraiser should first identify the property. Boundary lines should be checked for accuracy against the plot plan and legal description. Any impressions of the proposed housing should be based on a careful inspection of the site and factual information previously gathered in the community and general observations. If the proposal involves remodeling existing buildings, the appraiser will make a careful examination of the property to be sure that plans and descriptions furnished are accurate and adequate to carry out the proposed remodeling job. If the appraiser has any reservations as to whether the plans or sketches furnished fully comply with all local ordinances which control the erection of the type of housing under consideration, the applicant should be required to obtain approval of the plans from the local approval authority.

(b) *Obtaining background information.* An overall analysis of the community and the area immediately surrounding the property should be made by the appraiser before proceeding to evaluate the property. It may be necessary to make a study of the potential needs for elderly or handicapped persons or farm labor housing before inspecting the property. The value of the property for such specific use will be influenced by the strength of the demand for such housing.

(1) *Study of community.* The appraiser should study the community to determine the trends of the area. The appraiser should note whether the community is progressing or declining, estimate its stability, and the age, composition, and income levels of the people. Information submitted to justify the need for the housing should be made available to the appraiser. If the information furnished is inadequate, the appraiser will be expected to make a suitable survey as a basis for the evaluation of the property. The appraiser must be sure that the information is complete and adequate and is from reliable sources. Some of the information will be available from census reports, chambers of commerce, farm organizations, and facts gathered from other organizations such worship and welfare agencies which may have useful knowledge about the housing

needs and income levels of citizens and/or farm laborers in the community. Careful consideration should be given to income levels of families in the area and the likelihood that those who may want to occupy the housing will be able to pay the rental rates that will be needed for a sound investment. The appraiser should record on the appraisal report conclusions regarding the demand for the proposed housing.

(2) *Consideration of immediate neighborhood.* The appraiser should observe the development in the area immediately surrounding the property under consideration, note undesirable properties in the area, and determine whether there are any activities such as junk yards, industrial developments, or similar nuisance elements which would adversely affect the comfort of the housing occupants or the attractiveness of the neighborhood. Possible extension of noticeable trends should be projected in attempting to picture the future development surrounding the property under consideration. Natural barriers against blight or undesirable use of neighboring properties should be noted. Boulevards, parks, rivers, layout of streets, and other natural barriers may offer protection against possible infiltration of undesirable influences.

(3) *Location of the property.* The appraiser should include with the report a sketch of the area in which the property is located showing the approximate distances to desirable and undesirable features of the community such as shopping areas, parks, highways, railroads, and industrial areas.

§ 1922.55 Description and evaluation of building for insurance purposes.

The appraiser will be responsible for recording the evaluation of buildings for insurance purposes on Form FmHA 426–1, "Valuation of Buildings." The value of the buildings will be determined by careful examination of each building with appropriate consideration given to replacement cost of depreciation.

§ 1922.56 Preparation of Form FmHA 442–7, "Appraisal Report for Multiunit Housing."

(a) *General information—Part I.* The appraiser should complete all applicable items in this section of the form. When statements are required they should be sufficiently complete to accurately reflect the appraiser's observations. In cases where there is an identity of interest between the owner of a site to be purchased and applicant, in addition to the regular ownership history information, the appraiser should take extra steps to obtain information relative to previous dates of sale and previous selling and purchasing prices of the property being appraised. As a minimum, the appraiser will review legal documents or records to verify such information. The information should be explained in detail in the "Comments" section. If additional space is needed, a supplementary sheet should be attached to the appraisal form.

(b) *Site and buildings—Part II.* The appraiser will complete all applicable items regarding the site and buildings. All comments will be responsive to statements and questions listed in the section.

(c) *Determination of value—Part III.* The appraiser will determine the replacement and capitalization values in each case and the comparative sales or development value whenever such information is available.

(1) *Replacement value.*—(i) *Item III A 1—Cost of buildings.* Enter the cost of all new buildings to be constructed on the property.

(ii) *Item III A 2—Depreciation.* Replacement cost is the amount required to replace the buildings. The replacement costs of the buildings are figured on current labor cost and the current cost of materials of like kind and quality used in the buildings. The depreciated value of existing buildings is determined by subtracting the amount of depreciation from the replacement cost of the buildings. Substantially constructed buildings requiring minimum maintenance can ordinarily be depreciated at about 2 percent per year. A higher rate of depreciation should be used when buildings are poorly constructed or constructed of materials subject to a more rapid rate of depreciation.

(iii) *Item III A 3—Site and improvements.* Enter the present market value of the site on an "as is" basis. This value is obtained by using comparable sales information.

(2) *Capitalization.*—(i) *Item III B 1—Income Section.* The appraiser will assume the property will be used for the purpose proposed. Under "Type of Unit" show whether one- or two-bedroom apartments, or rooms in the case of farm labor, and so forth. "Annual Income" in the last column may be changed to "Seasonal Income" in situations such as labor housing when the facility may not be used all year. Allow 10 percent for income loss due to vacancies and nonpayment of rents.

(A) Applicants for housing to be financed on a profit motivated basis usually will present a budget showing a reasonable profit. This budget may be used by the appraiser in computing net income in connection with determining capitalization value if the budget reflects competitive rents for comparable properties in the area and is otherwise realistic. If, in the judgment of the appraiser, the estimated income in the budget is not realistic, the appraiser will make appropriate adjustments on the appraisal report.

(B) For housing to be financed on a nonprofit basis, the appraisal report should reflect competitive rentals for comparable properties. The appraisal also should reflect any adjustments considered appropriate in the proposed operating expenses.

(ii) *Item III B 2—Annual operating expenses.* The operating budget prepared by the appraiser should be checked against the operating statement furnished. If the information furnished appears to be incomplete, unrealistic, or inaccurate, the appraiser should call this to the attention of the loan approval official and make appropriate adjustments in the expenses on the appraisal report.

(iii) *Item III B 3—Capitalized value.* The two primary considerations involved in selecting the appropriate capitalization rate are the physical features of the property, and the acceptable rate of return on the investment.

(A) *Physical factors.*

(*1*) Some of the factors that favor a low capitalization rate are:

(*i*) Good condition of the building.

(*ii*) Desirable location.

(*iii*) Slow rate of obsolescense.

(*iv*) Convertibility to other uses.

(*v*) Assured increased value in the future.

(*vi*) Property attractive to many buyers.

(*vii*) Comparable developments in the area that have proved to be successful.

(*viii*) Favorable community trends.

(*2*) Some of the factors that favor a high capitalization rate are:

(*i*) Property subject to rapid obsolescence of depreciation.

(*ii*) Special purpose and nonconvertibility to other uses.

(*iii*) Property in a rundown condition.

(*iv*) Attractive to few buyers.

(*v*) Undesirable location.

(*vi*) Transitional neighborhood in the direction of making it undesirable as a place to live.

(*vii*) Declining community.

(*viii*) Uncertainty as to the future demand.

(B) *Acceptable rate of return on investment.* The rate of return necessary to attract capital is influenced by the following factors:

(*1*) *Interest rate.* Recognized acceptable interest rate in the area.

(2) *Security.* Adequate security lowers the rate; inadequate or questionable security raises the rate.

(3) *Management Burden.* The higher the expenses required for management, the lower the possible rate of return.

(4) *Marketability.* Property having a limited appeal to buyers carries a higher interest rate and therefore a lower rate of return.

(5) *Income.* Assurance of continued income.

(C) *Item III B 3 a—Capitalization rate.* Final selection of the capitalization rate will depend on the judgment of the appraiser as to type of property and amount of risk involved.

(D) *Item III B 3 b—Capitalized value of property.* This is determined by dividing the "annual net income" by the capitalization rate selected by the appraiser.

(3) *Comparable sales price or development costs of multi-unit properties.*

(i) *Item III C.* The comparable sales price or development costs of multi-unit properties serve as another checkpoint in firming up the appraiser's judgment for present market value.

(A) If comparable sales can be located or development costs of similar properties can be obtained, the information should be entered on the appraisal form in item III C. The appraiser should recognize that the information serves two purposes. It indicates the lowest price at which property currently can be purchased. Second, it indicates the price at which similar property currently can be sold. Knowing these characteristics, the appraiser can use this in determining the recommended present market value of the property. Comparable construction costs can often be obtained on motels, schools, apartment houses, and office buildings, when the quality and general design are similar. Square foot costs can often be used.

(B) The appraiser must be thoroughly familiar with comparable sales or development cost information used in the report. If comparisons are valid they offer a widely accepted method of property appraisal; however, if the property being used as a comparison is not actually similar, the type of information is less reliable. Use only the comparisons in the report that have been investigated, compared and analyzed. It is essential to see the property from which recent sales information is to be used in order to judge whether it is similar to the property being appraised.

(C) There are several essential points of similarity that should be carefully checked in comparing sales or production costs of similar properties: (a) location, (b) size, (c) number and size of rooms, (d) equipment, (e) architectural appeal, (f) age and degree of maintenance, (g) porches and garages, (h) lot size, and (i) utilities. This is a direct approach in estimating present market value. The market data approach is concerned with the principle of substitution in that typical buyers will not purchase a property at a price higher than the prices of similar properties having comparable locations, characteristics, and future earning capabilities. This is the only approach that reflects supply and demand in actual trading. Due to this characteristic it is the most widely accepted appraisal method.

(D) The comparable value will be determined from an analysis of the comparable sales and/or development cost information used in the report.

§ 1922.57 Summary and recommended value—Part IV.

(a) *Summary.* The rating of the property by the appraiser should be checked opposite each of the factors and under the appropriate classification of "good," "fair," and "poor." The replacement value, capitalization value, and comparable value will be brought forward from Items III A, B, and C, and entered on the appropriate lines of the "Summary and Recommended Value" part.

(b) *Recommended present market value.* Present market value represents the final judgment of the appraiser after thoroughly considering the replacement, capitalization, and comparable sales values, as well as the other information in the appraisal report, the loan docket, and any other sources affecting the value of the property. Present market value is not an average of the replacement capitalization and comparable sales values and should not exceed the replacement value of the property. The recommended present market value will be the appraiser's judgment conclusion using the three values reflected above.

§ 1922.58 Comments—Part V.

The appraiser will use this section to elaborate on the unusual features noted and reflect only general observations on the property. The appraiser should also report any favorable or unfavorable factors and show any deficiencies noted about the property that may have a bearing on loan approval. The appraiser should use only concise, factual statements that furnish pertinent information not shown elsewhere on the form. Avoid rambling generalizations. This item is intended to point out weak and strong points and elaborate on items not elsewhere identified. If additional space is needed, a supplementary sheet should be attached to the appraisal form. The employee making the appraisal and preparing the appraisal report will sign and date the form.

§ 1922.59-1922.100 [Reserved]

Note.—This document has been reviewed in accordance with FmHA Instruction 1901-G "Environmental Impact Statements". It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, P.L. 91-190 an Environmental Impact (Significant Regulation Statement) Statement is not required.

This regulation has not been determined significant under the USDA criteria implementing Executive Order 12044

A copy of the Impact Analysis Statement prepared by FmHA is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250.

(Authorities 42 U.S.C. 1480 (Housing); delegations of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: December 20, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80-1260 Filed 1-11-80; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-WE-42-AD; Amdt. 39-3665]

Piper Model 600 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and eventual replacement of main landing gear torque links on Piper Model 600 series airplanes. The AD is needed to prevent failures of main landing gear torque links which could result in loss of airplane directional control during ground operations.

DATES: Effective January 21, 1980.

Compliance schedule—Initial compliance required within ten (10) hours' time in service after January 21, 1980.

ADDRESSES: The applicable service information may be obtained from: Piper Aerostar, Customer Service Department, 2560 Skyway Drive, Santa Maria, California 93454.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, DC 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: There have been eight reports of main landing gear torque link failures. These failures have involved breaking of the single lug (male) link. The breaks have occurred at the radius which transitions the lug into the main body of the torque link and have been limited to the P/N 400076-501 link which has a transition radius (.13R), significantly smaller than the corresponding radius (.25R) on the P/N 400076-1 link which has not had this failure history. Since this condition is likely to exist on other airplanes of the same type design, an airworthiness directive is being issued which requires inspection and eventual replacement of the P/N 400076-501 torque link on Piper Model 600 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

Piper: (Ted Smith) Applies to Aerostar Model 600, 601 and 601P airplanes certificated in all categories.

Compliance required as indicated.

To prevent loss of directional control during ground operation resulting from torque link failure, accomplish the following:

(a) Within ten (10) hours' time in service from the effective date of this AD, on aircraft equipped with main landing gear torque links P/N 400076-501, dye penetrant inspect the torque link in accordance with Parts 2 through 5 of the "Instructions" section of Piper Aerostar Service Bulletin 600-75, dated July 14, 1978.

Note.—Part 1 of "Instructions" of S/B 600-75 provides instructions for identification of P/N 400076-501 torque link.

(b) If cracks are found, the link must be replaced with a like serviceable part and reinspected per paragraph (a), unless replaced with P/N 400076-1 link in which case no repetitive inspection is required by this AD.

(c) Within 100 hours' time in service after the inspection of paragraph (a), or link replacement of paragraph (b) of this AD, and thereafter at intervals not to exceed 100 hours' time in service, repeat the inspection requirements of paragraph (a) of this AD.

(d) On or before March 1, 1980, replace all torque links P/N 400076-501 with P/N 400076-1 prior to further operation. Compliance with this paragraph constitutes terminating action per this AD.

(e) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

This amendment becomes effective January 21, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Los Angeles, California on January 4, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-870 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

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4 CFR Part 39

[Docket No. 79-WE-31-AD; Amdt. 39-3566]

General Dynamics Model 240 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to General Dynamics Model 240 airplanes requiring repetitive inspections of the elevator flight tab spring tube. The amendment is needed because the FAA has determined that the repetitive inspections are not required until the parts accumulate a certain age specified in the amendment.

DATES: Effective January 21, 1980.

Compliance schedule—As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3590 (44 FR 60721), AD 79-21-06 which currently requires repetitive inspections of the elevator flight tab spring tube on Convair Model 240 airplanes. After issuing Amendment 39-3590, the FAA has determined that elevator flight tab spring tubes with less than 5,000 (or 10,000, depending upon P/N), hours' time in service need not be subjected to the repetitive inspection intervals specified.

In conducting this re-evaluation the FAA has again considered the question of the establishment of a life limit as suggested by the manufacturer. Based upon service experience the FAA continues to believe that a life limit on the elevator flight tab spring tube should not be made mandatory in that the inspections specified in the AD will ensure an adequate level of safety. This amendment therefore does not introduce a life limit.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Amendment 39-3590 (44 FR 60721), AD 79-21-06 by revising paragraphs (b) and (c) of the amendment to read as follows:

§ 39.13 [Amended]

* * * * *

(b) For elevator flight tab spring tube P/N 240-3540305-24 or P/N 240-3540305-30 with 5,000 hours or more time in service after October 25, 1979, repeat the inspection of paragraph (a) of this AD within 50 hours' time in service from the inspection of paragraph (a) of this AD, and thereafter, at intervals not to exceed 50 hours' time in service from the previous inspection.

(c) For elevator flight tab spring tube P/N 240-3540305-35 or P/N 2D3540305-7 with 10,000 hours or more time in service after October 25, 1979, repeat the inspection of paragraph (a) of this AD within 100 hours' time in service from the inspection of paragraph (a) of this AD, and thereafter, at

intervals not to exceed 100 hours' time in service from previous inspection.

* * * * *

This amendment becomes effective January 21, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Los Angeles, California on January 4, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-871 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-WE-41-AD; Amdt. 39-3661]

Lockheed-California Company Model L-1011-385 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires visual checks and inspections of the main landing gear forward and aft trunnion pins and replacement of pins if necessary, on the main landing gear assemblies of the Lockheed-California Company L-1011-385 series aircraft. The AD is required to preclude possible failures of the main landing gear forward and aft trunnion pins which could result in hazardous operational environment to the airplane during taxiing, takeoff or landing.

DATES: Effective date January 17, 1980.

Initial compliance required within 48 calendar hours after the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, DC 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Jerry J. Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: There has been a report of a fracture of a main landing gear forward trunnion pin. This fracture was discovered by an operators' personnel during a routine "walk-around" check while the aircraft was non-operational. The fractured main landing gear forward trunnion pin partially migrated from the forward trunnion joint (one segment in the forward direction and the remaining segment in the aft direction) and, consequently, this potentially hazardous condition was identified prior to occurrence of a total disengagement of both pin segments from the joint.

In the area of the crack origin, numerous cracks were found in the chromium plating and, beneath, severe intergranular corrosion had progressed, over an extended period of time, into the base metal of the pin. It was concluded that the cracks in the chromium plating resulted from a single event of short duration.

Continued aircraft operation with a fractured main landing gear forward trunnion pin could result in a collapse of a main landing gear assembly during takeoff, landing or taxiing which could result in a hazardous operational environment to the airplane.

This airworthiness directive (AD) requires inspection of both the forward and the aft main landing gear trunnion pins since the type design configuration of both pins is similar, the exposure to the operational loads is identical, and the potential operational hazard resulting from a fracture and migration of either pin is of an equivalent consequence. In a meeting of December 13, 1979, between FAA/Air Transport Association Of America and Member airlines/Lockheed-California Company, the possible inclusion of the aft trunnion pin in this Airworthiness Directive was discussed. FAA has noted the objection of the ATA and Lockheed to the inclusion of the aft trunnion pin, but considers this action as necessary to preclude a potential for existence of an unsafe condition (Reference CFR 14, 39.1 (b)).

The FAA is continuing to evaluate the main landing gear forward trunnion pin fracture phenomenon and its implications. The initial and repeat visual inspections of this AD are considered to constitute an adequate interim safety action.

Since a condition exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making the amendment effective in less than thirty (30) days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

Lockheed-California Company: Applies to Lockheed-California Company L-1011-385 series airplanes certificated in all categories.

To preclude possible failure of the main landing gear forward and aft trunnion pins P/Ns 1523068(-103), 1535918(-101) and 1523069(-101), respectively, perform the following:

Compliance required as indicated.

(a) Within the next 48 calendar hours after the effective date of the AD, unless already accomplished, conduct a visual inspection of the main landing gear forward and aft trunnion pins in accordance with the accomplishment instructions of paragraph 2.B. of Lockheed-California Company Alert Service Bulletin 093-32-A167. If a crack(s) or fracture is found replace the pin(s) prior to further aircraft operation.

(b) Repeat the visual inspection of paragraph (a), above, at intervals not to exceed 50 hours' time-in-service since the last inspection.

(c) Once per each day in which the aircraft is operated following the accomplishment of the inspection of paragraph (a), above, and excluding the days on which the inspection of paragraph (b), above, is accomplished, conduct visual check of the main landing gear forward and aft trunnion pins in accordance with the accomplishment instructions of paragraph 2.A. of Lockheed-California Company Alert Service Bulletin 093-32-A167. If an obvious migration of either or both of the pins exists relative to the normal installation configuration perform the visual inspection of paragraph (a), above. If a crack(s) or fracture is found replace the pin(s) prior to further aircraft operation. The checks required by this AD constitute preventive maintenance and may be performed by a flight crew member.

(d) Alternate checks, inspections or other actions which provide equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective January 17, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Los Angeles, California on January 2, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-872 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-WE-33-AD; Amdt. 39-3663]

McDonnell Douglas DC-9 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective to all persons an amendment adopting an airworthiness directive (AD) which was previously made effective to all known operators of McDonnell Douglas Model DC-9 series airplanes by telegraphic message T79WE-20 dated December 1, 1979. This AD was required because of cracks discovered in the aft pressure bulkhead door which could result in cabin decompression and degraded flight and powerplant control functions.

DATES: Effective January 21, 1980, and was effective earlier for all recipients of telegraphic AD T79WE-20 dated December 1, 1979.

Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training C1-750 (54-60).

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, DC 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: An emergency airworthiness directive was adopted December 1, 1979, and made effective immediately upon receipt of telegrams to all known U.S. operators of DC-9 series airplanes. The AD was necessary because of reports of cracks in the aft pressure bulkhead door which could result in cabin depressurization and degraded flight and powerplant control functions. The AD requires visual inspections of the aft pressure bulkhead door on airplanes equipped with non-ventral aft pressure bulkhead door P/N 5910367.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest, and good cause existed to make the AD effective immediately as to all known operators of the McDonnell Douglas DC-9 series airplanes. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to Section 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

McDonnell Douglas: Applicable to all Model DC-9 series aircraft equipped with non-ventral aft pressure bulkhead door, P/N 5910367, certificated in all categories.

Compliance required as indicated.

To detect cracks in the aft pressure bulkhead door, accomplish the following:

Within the next 25 landings, but not later than 72 elapsed hours, after the effective date of this AD, unless already accomplished in accordance with telegraphic AD T79WE-20 dated December 1, 1979, inspect the aft pressure bulkhead door as follows:

(a) Remove the door from the bulkhead.

(b) Remove all liner and insulation from the forward and aft sides of the door.

(c) Conduct a close visual inspection to detect cracks in the entire door structure including the web and doublers, paying particular attention to the areas adjacent to the inboard ends of the guide pin fittings (P/N 3913928).

(d) If cracks are found:

(1) Repair per FAA approved data and replace the insulation and liner removed in paragraph (b), or;

(2) The aircraft may be operated without cabin pressurization with a placard installed in the cockpit, in full view of the pilots stating: "Pressurized flight is prohibited".

(e) If no cracks are found, replace the insulation and liner removed in paragraph (b).

(f) Reinstall the door in the bulkhead.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplanes unpressurized to a base where the inspections or crack repair can be performed.

(h) Within five working days after the inspection required by paragraph (c) of this AD, report the results of the inspection to the Chief, Aircraft Engineering Division, FAA Western Region. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

This amendment becomes effective January 21, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Los Angeles, California on January 4, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-873 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SO-91]

Alteration of Transition Area, Statesville, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates an extension in the Statesville, North Carolina, transition area. This action provides controlled airspace required to protect instrument flight operations at the Statesville Municipal Airport.

EFFECTIVE DATE: February 11, 1980.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: It is necessary to designate an extension in the Statesville, North Carolina, transition area, described in § 71.181 (44 FR 442), to provide required airspace protection for aircraft executing the existing VOR/DME RWY 10 standard instrument approach procedure at the Statesville Municipal Airport. Due to altitude changes in the procedure, designation of an extension is required from the basic radius area to the point at which arriving aircraft descend below 1,500 feet above the surface.

In the interest of safety, it is found that notice and public procedure hereon are impracticable and contrary to the public interest.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., February 11, 1980, by adding the following:

Statesville, North Carolina

"* * * within 3.5 miles each side of the Barretts Mountain VORTAC 115° radial, extending from the 7-mile radius area to 10 miles southeast of the VORTAC * * *"

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Ga., on January 3, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-1128 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 159

[T.D. 80-13]

Non-Rubber Footwear, Certain Castor Oil Products, Scissors and Shears, and Cotton Yarn From Brazil; Declaration of Net Amount of Bounty or Grant and Suspension of Liquidation

Correction

In FR Doc. 80-253, appearing at page 1013 in the issue for Friday, January 4, 1980, the T.D. number which appears in brackets in the first column, and which now reads "[T.D. 80-12]" should read as set forth above.

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 14

[Order No. 870-79]

Administrative Claims Under the Federal Tort Claims Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is revising certain of its regulations concerning the handling of claims that have been filed with agencies of the Government. The purpose of the revision is to clarify the procedures to be used when the same claim is submitted to more than one agency at a time or when claims affect more than one agency. This order confirms the authority of agencies to agree that one agency may adjust, determine, compromise, and settle a claim involving more than one agency on behalf of all affected agencies and establishes procedures relating thereto.

EFFECTIVE DATE: January 14, 1980.

FOR FURTHER INFORMATION CONTACT: Jeffrey Axelrad, Director, Torts Branch, Civil Division, U.S. Department of Justice, Washington, D.C. 20530, (202) 724-6810.

By virtue of the authority vested in me by 28 U.S.C. 2672, Title 28 of the Code of Federal Regulations is amended by deleting § 14.2 and inserting in lieu thereof a revised § 14.2, as follows:

§ 14.2 Administrative claim; when presented.

(a) For purposes of the provisions of section 2672 of Title 28, United States Code, a claim shall be deemed to have been presented when a Federal agency receives from a claimant, his duly authorized agent or legal representative, an executed Standard Form 95 or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, personal injury, or death alleged to have occurred by reason of the incident.

(b)(1) A claim shall be presented to the Federal agency whose activities gave rise to the claim. When a claim is presented to any other Federal agency, that agency shall transfer it forthwith to the appropriate agency, if the proper agency can be identified from the claim, and advise the claimant of the transfer. If transfer is not feasible the claim shall be returned to the claimant. The fact of transfer shall not, in itself, preclude further transfer, return of the claim to the claimant or other appropriate disposition of the claim.

(2) When more than one Federal agency is or may be involved in the events giving rise to the claim, an agency with which a claim is filed shall contact all other affected agencies in order to designate the single agency which will thereafter investigate and decide the merits of the claim. In the event that an agreed upon designation cannot be made by the affected agencies, the Department of Justice will be consulted and will thereafter designate an agency to investigate and decide the merits of the claim. Once a determination has been made, the primary agency shall notify the claimant that all future correspondence concerning the claim shall be directed to that Federal agency. All involved Federal agencies can agree either to conduct their own administrative reviews and to coordinate the results or to have the investigations conducted by the primary Federal agency, but, in either event, the primary Federal agency will be responsible for the final determination of the claim.

(3) A claimant presenting a claim arising from an incident to more than one agency should identify each agency to which the claim is submitted at the time each claim is presented. Where a claim arising from an incident is presented to more than one Federal agency without any indication that more than one agency is involved, and any one of the concerned Federal agencies takes final action on that claim, the final action thus taken is conclusive on the claims presented to the other agencies in regard to the time required for filing suit set forth in 28 U.S.C. § 2401(b). However, if a second involved Federal agency subsequently desires to take further action with a view towards settling the claim the second Federal agency may treat the matter as a request for reconsideration of the final denial under 28 CFR § 14.9(b), unless suit has been filed in the interim, and so advise the claimant.

(4) If, after an agency final denial, the claimant files a claim arising out of the same incident with a different Federal agency, the new submission of the claim will not toll the requirement of 28 U.S.C. § 2401(b) that suit must be filed within six months of the final denial by the first agency, unless the second agency specifically and explicitly treats the second submission as a request for reconsideration under 28 CFR § 14.9(b) and so advises the claimant.

(c) A claim presented in compliance with paragraph (a) of this section may be amended by the claimant at any time prior to final agency action or prior to the exercise of the claimant's option under 28 U.S.C. 2675(a). Amendments shall be submitted in writing and signed by the claimant or his duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, the agency shall have six months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until six months after the filing of an amendment.

Dated: December 31, 1979.

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 80-1159 Filed 1-11-80; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute for Occupational Safety and Health

42 CFR Parts 85 and 85a

Implementation of Federal Mine Safety and Health Act of 1977; Amendments to NIOSH Research Regulations

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, PHS, HEW.

ACTION: Final rule.

SUMMARY: This rule amends several existing regulations to include NIOSH procedures for (1) conducting health hazard evaluations requested by employers or employees in the mining industry, and (2) conducting health research investigations in the mining industry. Recent legislation to improve safety and health in the mining industry gave NIOSH new responsibilities for mine health research similar to those already carried out by NIOSH for general industry. These amendments implement the new responsibilities and provide industry, mine operators, and labor groups with information on how NIOSH conducts its research activities. By amending the existing procedural regulations covering NIOSH research activities in general industry to include the mine health research activities, NIOSH has eliminated the need for separate regulations.

EFFECTIVE DATE: February 13, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Mary L. Flint, Regulations Specialist, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Room 8-11, Rockville, MD 20857, Phone: (301) 443-3745.

SUPPLEMENTARY INFORMATION: The Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. 95-164) amended the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173) and redesignated it the Federal Mine Safety and Health Act of 1977 (referred to as the FMSH Act). The FMSH Act also repealed the Federal Metal and Nonmetallic Mine Safety Act (Pub. L. 89-577), thereby bringing all mining operations under a single law. The FMSH Act granted responsibility for mine health research to the National Institute for Occupational Safety and Heath (NIOSH). These health research responsibilities for the mining industry are similar to those already carried out by NIOSH under the Occupational Safety and Health Act.

On December 5, 1978, NIOSH published a Notice of Proposed Rulemaking in the Federal Register (43 FR 56918) to amend several existing regulations that govern NIOSH research activities. Specifically, NIOSH proposed to amend the following regulations to include NIOSH's new mine health research responsibilities: Part 55—Grants for Advancement of Health in Coal Mining, Part 85—Requests for Health Hazard Evaulations, and Part 85a—Occupational Safety and Health Investigations of Places of Employment. The proposed amendments to Part 55 are not being adopted at this time. Instead, they will be included with additional revisions to Part 55 to conform it to 45 CFR Part 74 (HEW's general grants administration regulation) later this year. NIOSH does not plan to award any grants for mining health research, other than for coal mining, before the second or third quarter of fiscal year 1980. Therefore, the delay in adopting the proposed amendments to Part 55 will not adversely affect the program.

Discussion of Comments

A period of 30 days was given for the public to comment on the proposal. Only three organizations responded with comments, all pertaining to Part 85. The comments have been carefully reviewed and it appears that a substantial number of the issues raised concerned topics covered in existing sections of Part 85. Because these sections were not amended, they were not printed as part of the proposal and might not have been read by the public. For example, one comment urged that NIOSH provide for employer identification of trade secrets including those in any photographs taken by NIOSH and for the confidentiality of trade secrets. These provisions are already contained in § 85.7(b). Similarly, two comments contended that NIOSH should give advance notice of a site visit. The NIOSH policy concerning advance notice in the conduct of health hazard evaluations (HHE) is set out in § 85.6. This section authorizes advance notice of visits to the place of employment, and advance notice is, in fact, given except where NIOSH determines that giving notice would adversely affect the validity or effectiveness of the investigation. Finally, in response to certain other comments, § 85.7(a) already provides for the presentation of credentials by the NIOSH officer and for giving management a copy of the HHE request. Section 85.11(b) provides for sending a copy of the determination to the mine operator or other employer.

The remaining comments are summarized below:

Review of Company Records.—In commenting on NIOSH review of records, industry stated that NIOSH should have access only to those records required by the Acts or only to those records required by law unless "legally summoned." Industry comments further stated that NIOSH should review only those company medical records which are relevant to a health hazard evaluation and then only with the consent of the employees.

In the course of conducting the HHE program under the Occupational Safety and Health Act, NIOSH has taken the view that it should have access to any records that are relevant to its investigation irrespective of whether the company is required to keep the records. This position has been supported by the courts (*E.I. du Pont de Nemours & Co.* v. *Finklea*, 442 F. Supp 821 (1977), and *General Motors Corp.* v. *Director, NIOSH*, 459 F. Supp 235 (1978)). There is little doubt that a company's medical records of its employees is relevant to whether something in the workplace is adversely affecting the health of the worker. Finally, NIOSH takes the position that in conducting a health hazard evaluation, it is authorized to review the company's medical records without the consent of individual employees (see *du Pont* v. *Finklea*).

Right of Entry.—The comments by industry stated that NIOSH entry should be subject to the requirements in *Marshall, Secretary of Labor* v. *Barlow's Inc.* 436 U.S. 307 (1978) which held that inspections may be conducted under section 8(a) of the Occupational Safety and Health Act only pursuant to a judicially authorized search warrant or where the employer consents. However, since the mining industry is regulated under another statute (FMSH Act) and the degree of regulation varies from that considered in *Barlow's*, it is questionable whether *Barlow's* applies to mining inspections. A warrantless inspection of a mining facility has been judicially upheld (*Marshall* v. *Stoudt's Ferry Preparation Co.*, 602 F.2d 589 (1979)).

Other comments suggested that NIOSH contractors should not be allowed access to trade secret information. It is the policy of NIOSH that contractors do not have access to company trade secret information without the company's consent (see 42 CFR 85a.5(b)).

One comment contended that it was illegal for NIOSH to permit a nonemployee to accompany the NIOSH Officer. Section 85.9 provides for the accompaniment by a third party who is

not an employee in limited circumstances, i.e., where the NIOSH officer finds that the participation is necessary to the conduct of an effective and thorough investigation. This provision is a reasonable exercise of program discretion and has been retained.

General

1. One comment requested that NIOSH reiterate that it has no authority to require compliance with health or safety standards under either Act. It is not necessary to include this statement in the regulation since it is well known that compliance under both Acts is the function of the Department of Labor.

2. Since the definition of "coal or other mine" in the Federal Mine Safety and Health Act includes "strip and auger mines," it is not necessary to expressly include these mines in the definition of "place of employment" in § 85.2. Clearly, NIOSH can conduct health hazard evaluations on appropriate request in "strip and auger" and other mines subject to the Act.

3. It is not appropriate, as one comment suggested, for requests for health hazard evaluations in coal and other mines to be sent to NIOSH through the Mine Safety and Health Administration since the HHE program is administered solely by NIOSH.

4. One comment from industry suggested that no HHE, including private employee interviews, should be conducted by NIOSH if litigation over the subject of the HHE is either in progress or is contemplated. It is not clear from the comment whether it refers to a Government proceeding for the enforcement of a health standard or purely private litigation. Generally, the existence or contemplation of private litigation would have no effect on whether NIOSH would undertake the conduct of an HHE. Under the terms of a recent Interagency Agreement (44 FR 22834), it is the policy for NIOSH and the Occupational Safety and Health Administration to coordinate their field activities for any place of employment where a NIOSH health hazard evaluation has been requested under the Occupational Safety and Health Act.

5. It was suggested, if litigation later arises with regard to the subject matter of the evaluation, that Part 85 provide for employer access to the employee interview records with appropriate protective orders. NIOSH considers the employee interview conducted in the course of an HHE as private and confidential. NIOSH is prohibited by Department regulation from disclosing records of these interviews (see 45 CFR 5.71(a)).

Changes to Proposed Rules

Except for the following minor editorial changes for clarification purposes, the amendments to Parts 85 and 85a are being adopted as proposed:

1. Section 85.2—The definition of "Substance" is revised to include "dust" since, as one comment stated, it may not be obvious to miners that "dust" is intended by NIOSH to be within the scope of the definition.

2. Section 85.3-1(b)—The paragraph is revised to include the name of the place of employment for which the health hazard evaluation is requested.

3. Section 85.5(a)—The paragraph is revised to reflect current practice and to clarify that the NIOSH review of records includes abstracting and duplicating of records related to the investigation. In many instances, problems can be identified only through careful in depth analysis of exposure, medical, or other records. It is not always possible to do this type of analysis at the worksite. It is usually more productive to undertake extensive records analysis in the research laboratory setting.

4. Section 85.11(a)—The substance or physical agent to be investigated is not always specified in the HHE request because it is not known to the person requesting the evaluation. Minor editorial changes to the paragraph are made to clarify this.

The public will be given a further opportunity to comment on NIOSH investigative procedures when Parts 85 and 85a are revised later this year as part of HEW's comprehensive program to review and simplify its regulations ("Operation Common Sense").

Accordingly, Parts 85 and 85a of Title 42, Code of Federal Regulations, are amended as set forth below:

Dated: September 28, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: January 7, 1980.

Patricia Roberts Harris,

Secretary.

PART 85—REQUESTS FOR HEALTH HAZARD EVALUATIONS

1. The authority is revised to read:

Authority: Sec. 8(g), 84 Stat. 1600; 29 U.S.C. 657(g) and Sec. 508, 83 Stat. 803; 30 U.S.C. 957.

2. Sections 85.1, 85.2, 85.3, 85.4, and 85.5 are revised and a new § 85.3–1 is added. The revised and added provisions read as follows:

§ 85.1 Applicability.

This Part 85 applies to health hazard evaluations requested by any employer or authorized representative of employees under section 20(a)(6) of the Occupational Safety and Health Act of 1970 or section 501(a)(11) of the Federal Mine Safety and Health Act of 1977. This part is not intended to preclude the use of other channels of communication with the National Institute for Occupational Safety and Health to obtain information and technical assistance concerning toxic substances or physical agents.

§ 85.2 Definitions.

Any term defined in the Occupational Safety and Health Act of 1970 or the Federal Mine Safety and Health Act of 1977 and not defined below shall have the meaning given it in the respective Acts. As used in this part:

"OSH Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.).

"FMSH Act" means the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801, et seq.).

"Authorized representative of employees" means any person or organization meeting the conditions specified in § 85.3–1(e) (1), (2), or (3).

"Employee" has the same meaning as stated in the OSH Act and for the purposes of this part includes "miner" as defined in the FMSH Act.

"Employer" has the same meaning as stated in the OSH Act and for the purposes of this part includes "Operator" as defined in the FMSH Act.

"Health hazard evaluation" means the investigation and the determination of potentially toxic or hazardous effects of: (a) any substance normally used or found in any place of employment to which the OSH Act is applicable, or (b) any substance or physical agent normally used or found in any place of employment to which the FMSH Act is applicable.

"Investigation" means a physical inspection of the place of employment under section 8 of the OSH Act or section 103 of the FMSH Act and includes inspection, sampling, observations, review of pertinent records, and other measurements reasonably necessary to determine whether any substance or physical agent found in the place of employment has potentially toxic or hazardous effects in the concentrations or levels used or found.

"NIOSH" means the National Institute for Occupational Safety and Health, Center for Disease Control, Public Health Service, Department of Health, Education, and Welfare.

"NIOSH officer" means a NIOSH employee who has been authorized by the Director, NIOSH, to conduct investigations according to this part.

"Physical agent" means any condition produced by the environment and/or work processes that can result in hazardous effects as defined in this section. Examples of physical agents are noise, temperature, illumination, vibration, radiation, and pressure.

"Place of employment" means any coal or other mine, factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by any employee of an employer.

"Substance" means any chemical or biological agent or dust which has the potential to produce toxic effects.

"Toxic effects" or "hazardous effects" are those effects which result in short- or long-term disease, bodily injury, affect health adversely, or endanger human life.

§ 85.3 Procedures for requesting health hazard evaluations.

(a) Requests for health hazard evaluations should be addressed to the National Institute for Occupational Safety and Health as follows:

(1) *Requests from general industry*—Hazard Evaluations and Technical Assistance Branch, Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH, 4676 Columbia Parkway, Cincinnati, OH 45226.

(2) *Requests from mining industry*—Environmental Investigations Branch, Division of Respiratory Disease Studies, NIOSH, 944 Chestnut Ridge Road, Morgantown, WV 26505.

(b) Requests for health hazard evaluations shall be submitted in writing and signed by either (1) the employer in whose place of employment the substance or physical agent is normally found, or (2) an authorized representative of employees (see § 85.3-1(e)) in the place of employment where the substance or physical agent is normally found.

§ 85.3-1 Contents of a request for health hazard evaluation.

Each request for health hazard evaluation shall contain:

(a) The requester's name, address, and telephone number, if any.

(b) The name and address of the place of employment where the substance or physical agent is normally found.

(c) The specific process or type of work which is the source of the substance or physical agent, or in which the substance or physical agent is used.

(d) Details of the conditions or circumstances which prompted the request.

(e) A statement, if the requester is not the employer, that the requester is—

(1) an authorized representative or an officer of the organization representing the employees for purposes of collective bargaining; or

(2) an employee of the employer and is authorized by two or more employees employed in the same place of employment to represent them for purposes of these Acts (each such authorization shall be in writing and a copy submitted with the request for health hazard evaluation); or

(3) one of three or less employees employed in the place of employment where the substance or physical agent is normally found.

(f) A statement indicating whether or not the name(s) of the requester or those persons who have authorized the requester to represent them may be revealed to the employer by NIOSH.

(g) The following supplementary information if known to the requester:

(1) Identity of each substance or physical agent involved;

(2) The trade name, chemical name, and manufacturer of each substance involved;

(3) Whether the substance or its container or the source of the physical agent has a warning label; and

(4) The physical form of the substance or physical agent, number of people exposed, length of exposure (hours per day), and occupations of exposed employees.

Note.—NIOSH has developed two forms entitled "Request for Health Hazard Evaluation" and "Request for Mining Health Hazard Evaluation" to assist persons in requesting evaluations. The forms are available upon request from the offices listed in § 85.3(a) (1) and (2) or from the Regional Consultant for Occupational Safety and Health in any Regional Office of the Department of Health, Education, and Welfare.

§ 85.4 Acting on requests.

(a) Upon receipt of a request for health hazard evaluation submitted under this part, NIOSH will determine whether or not there is reasonable cause to justify conducting and investigation.

(b) If NIOSH determines that an investigation is justified, a NIOSH officer will inspect the place of employment, collect samples where appropriate, and perform tests necessary to the conduct of a health hazard evaluation, including medical examinations of employees.

(c) If NIOSH determines that an investigation is not justified, the requester will be notified in writing of the decision.

§ 85.5 Authority for investigations.

(a) NIOSH officers who have been issued official NIOSH credentials (Form No. CDC/NIOSH 2.93) are authorized by the Director, NIOSH, under sections 20(a) (6) and 8 of the OSH Act and sections 501(a)(11) and 103 of the FMSH Act: To enter without delay any place of employment for the purpose of conducting investigations of all pertinent processes, conditions, structures, machines, apparatus, devices, equipment, records, and materials within the place of employment; and to conduct medical examinations, anthropometric measurements, and functional tests of employees within the place of employment as may be directly related to the specific health hazard evaluation being conducted. Investigations will be conducted in a reasonable manner, during regular working hours or at other reasonable times and within reasonable limits. In connection with any investigation, the NIOSH officers may question privately any employer, owner, operator, agent, or employee from the place of employment; and review, abstract, and duplicate records required by the Acts and regulations and any other related records.

(b) Areas under investigation which contain information classified by any agency of the United States Government in the interest of national security will be investigated only by NIOSH officers who have obtained the proper security clearance and authorization.

§ 85.7 [Amended]

3. In § 85.7(a), the reference to § 85.3(b)(4)(ii) is deleted and § 85.3-1(e)(2) is substituted therefor.

4. In § 85.7(b), the words "OSH Act or section 501(a)(11) of the FMSH" are inserted between the words "the" and "Act" in the second sentence.

5. In § 85.7(c), the words "or measurements of physical agents" are inserted between the words "substances" and "to" in the first sentence.

§ 85.10 [Amended]

6. In § 85.10, the acronym "OSH" is inserted between the words "the" and "Act" in the last line of the section.

§ 85.11 [Amended]

7. In § 85.11, paragraph (a) is revised to read as follows:

(a) Upon conclusion of an investigation, NIOSH will make a determination concerning the potentially toxic or hazardous effects of each substance or physical agent investigated as a result of the request for health hazard evaluation. At a minimum, the determination will: (1) identify each substance or physical agent involved and describe, where appropriate, the

concentrations or levels or the substance or physical agent found in the place of employment and the conditions of use, and (2) state whether each substance or physical agent has potentially toxic or hazardous effects in the concentrations or levels found, as well as the basis for the judgments.

* * * * *

8. In § 85.11(d) the words "or physical agent(s)" are inserted between the words "substance(s)" and "which".

9. In § 85.11, paragraph (e) is revised to read as follows:

* * * * *

(e) Copies of determinations made under the OSH Act will be forwarded to the Department of Labor and the appropriate State agency designated under section 18(b) of the OSH Act. Copies of determinations made under the FMSH Act will be forwarded to the Mine Safety and Health Administration of the Department of Labor; the Bureau of Mines, Department of the Interior; and the State agency which, in the judgment of NIOSH, would benefit the most from the information. If NIOSH determines that any substance or physical agent has potentially toxic or hazardous effects at the concentrations or levels at which it is used or found in a place of employment, and the substance or physical agent is not covered by a safety or health standard established under section 6 of the OSH Act or section 101 of the FMSH Act, NIOSH will immediately submit the determination to the Secretary of Labor, together with all pertinent criteria.

10. Section 85.12 is revised to read as follows:

§ 85.12 Subsequent requests for health hazard evaluations.

If a request is received for a health hazard evaluation in a place of employment in which an evaluation under this part was made previously, NIOSH may make another investigation if, as a result of the passage of time or additional information, another investigation would be consistent with the purposes of the Acts.

(Sec. 8(g), 84 Stat. 1600; 29 U.S.C. 657(g) and Sec. 508, 83 Stat. 803; 30 U.S.C. 957)

PART 85a—OCCUPATIONAL SAFETY AND HEALTH INVESTIGATIONS OF PLACES OF EMPLOYMENT

1. The authority is revised to read:

Authority: Sec. 8(g), 84 Stat. 1600; 29 U.S.C. 657(g) and Sec. 508, 83 Stat. 803; 30 U.S.C. 957.

2. In § 85a.1, paragraph (a) is revised to read as follows:

§ 85a.1 Applicability.

(a) Except as otherwise provided in paragraph (b) of this section, the provisions of this part apply to investigations of places of employment which are conducted by NIOSH under sections 20 and 8 of the Occupational Safety and Health Act of 1970 and sections 501 and 103 of the Federal Mine Safety and Health Act of 1977.

* * * * *

3. In § 85a.2, the introductory text and paragraphs (a), (d), and (i) are revised and new paragraphs (j), (k), (l), and (m) are added. The revised and added provisions read as follows:

§ 85a.2 Definitions.

Any term defined in the Occupational Safety and Health Act of 1970 or the Federal Mine Safety and Health Act of 1977 and not defined below shall have the meaning given it in the Acts. As used in this part:

(a) "OSH Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and "FMSH Act" means the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.).

* * * * *

(d) "Investigation" means research projects, experiments, demonstrations, studies, and similar activities of NIOSH which are conducted under section 20 of the OSH Act and section 501 of the FMSH Act.

* * * * *

(i) "Place of employment" means any coal or other mine, factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by any employee of an employer.

(j) "MSHA District Office" means any one of the Mine Safety and Health Administration's District Offices.

(k) "BOM" means the Bureau of Mines, Department of the Interior.

(l) "Employee" has the same meaning as stated in the OSH Act and for the purposes of this part includes "miner" as defined in the FMSH Act.

(m) "Employer" has the same meaning as stated in the OSH Act and for the purposes of this part includes "operator" as defined in the FMSH Act.

§ 85a.3 [Amended]

4. In § 85a.3, paragraph (a) is revised by deleting the words "for the purpose of section 20 of the Act and this part and pursuant to section 8 of the Act" and substituting the words "under sections 20 and 8 of the OSH Act, sections 501 and 103 of the FMSH Act, and this part".

5. In § 85a.4, paragraphs (a)(1) and (a)(3) are revised, the "and" at the end of paragraph (a)(2) is deleted, and a new paragraph (a)(4) is added. The revised and added provisions read as follows:

§ 85a.4 Procedures for initiating investigations of places of employment.

(a) * * *

(1) The appropriate State agency designated under section 18(b) of the OSH Act, or if no State agency has been designated under the OSH Act and in the case of the FMSH Act, the State agency which, in the judgment of NIOSH, would benefit the most from the investigation's findings;

(2) * * * individual;

(3) The appropriate Assistant Regional Director, when investigations are conducted under the OSH Act;

(4) The appropriate MSHA District Office; the Director, BOM, and the Assistant Director for Mining, BOM, when investigations are conducted under the FMSH Act.

* * * * *

6. In § 85a.4, paragraph (b) is revised by deleting the words "in § 85a.4(a)(1) and (3)" and substituting the words "in § 85a.4(a)(1), (a)(3), and (a)(4)".

7. In § 85a.4, paragraph (c) is revised by deleting the words "and (a)(3)" and substituting the words "(a)(3) and (a)(4)".

§ 85a.5 [Amended]

8. In § 85a.5, paragraph (b)(1) is revised by inserting the acronym "OSH" between the words "the" and "Act" at the end of the second sentence.

9. In § 85a.5, paragraph (e) is revised by deleting the words "NIOSH and Occupational Safety and Health Administration" and substituting the words "NIOSH, Occupational Safety and Health Administration, and Mine Safety and Health Administration".

§ 85a.7 [Amended]

10. Section 85a.7 is revised by deleting the remainder of the section beginning with the words "appropriate Assistant Regional Director . . ." and substituting the words "agencies identified in § 85a.4(a)(1), (a)(3), and (a)(4)."

(Sec. 8(g), 84 Stat. 1600; 29 U.S.C. 657(g) and Sec. 508, 83 Stat. 803; 30 U.S.C. 957)

[FR Doc. 80-1207 Filed 1-11-80; 8:45 am]

BILLING CODE 4110-87-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

Correction

In FR Doc. 79-39212, appearing at page 76282 in the issue of Wednesday, December 26, 1979, the following changes should be made:

1. On page 76288, the first line of the last entry in the second column of the table should read, "Unincorporated Areas of Iredell".

2. On page 76289, the note which follows the listings for Iredell County should read, "Maps available at Iredell County Manager's Office, County Office, Annex Building, Center Street, Statesville, North Carolina 28677."

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. No. 79-22]

Organization and Delegation of Powers and Duties; Delegation to the Commandant of the Coast Guard

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to delegate to the Commandant of the Coast Guard the functions vested in the Secretary by the Hazardous Materials Transportation Act as they pertain to the carriage of bulk hazardous materials by vessel.

EFFECTIVE DATE: This amendment is effective on January 14, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Query, Office of Merchant Marine Safety (G-MHM/TP14), Room 1405, U.S. Coast Guard Headquarters, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20590. (202) 426-1217.

SUPPLEMENTARY INFORMATION: Since this amendment relates to departmental rules of personnel and management, it is excepted from notice and public procedure requirements. It is made effective immediately because it is not a substantive rule.

Drafting Information

The principal persons involved in drafting this document are Mr. Robert M. Query, Project Manager, Office of Merchant Marine Safety; and Mr. Michael N. Mervin, Project Attorney, Office of Chief Counsel, U.S. Coast Guard.

Discussion of Delegation

The authority has been delegated to the Coast Guard to describe standards for carriage of hazardous materials in bulk by vessel under the Port and Tanker Safety Act of 1978 (44 FR 10063). Under the Port and Tanker Safety Act, the definition of a "hazardous material" includes, among other things, a material designated as a hazardous material under the Hazardous Materials Transportation Act. To give the Coast Guard more flexibility in administering the Port and Tanker Safety Act, the Coast Guard is delegated the authority to designate a hazardous material when the material is transported in bulk by vessel. As a clarification of the Coast Guard's authority in governing bulk transportation of hazardous materials by vessel under 46 U.S.C. 170, the detailed enumeration of paragraphs in the delegation of authority under that statute is replaced by a simpler delegation.

Accordingly, Part I of Title 49 of the Code of Federal Regulations is amended by revising paragraph (t) of § 1.46 to read as follows:

§ 1.46 Delegation to Commandant of the Coast Guard.

* * * * *

(t) Carry out the functions vested in the Secretary by 49 U.S.C. 1801-1811, and 46 U.S.C. 170 to the extent they relate to regulations and exemptions governing the bulk transportation of hazardous materials that are loaded or carried on board a vessel without benefit of containers or labels, and received and handled by the vessel carrier without mark or count, and regulations and exemptions governing ships' stores and supplies.

(49 U.S.C. 1657(e))

Issued in Washington, D.C., on December 20, 1979.

Neil Goldschmidt,

Secretary of Transportation.

[FR Doc. 80-953 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-62-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1420]

Car Service; Tippecanoe Railroad Co. Authorized To Operate Over Tracks Leased From the State of Indiana

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1420.

SUMMARY: Authorizes the Tippecanoe Railroad Company to operate over tracks leased from the State of Indiana. Tippecanoe Railroad Company has been designated by the State of Indiana to operate a portion of the line previously served by the Chicago and Indiana Railroad Company. The Public Service Commission of the State of Indiana permitted the Chicago and Indiana Railroad Company to terminate its services effective December 31, 1979.

EFFECTIVE: 12:01 a.m., January 9, 1980, and continuing in effect until 11:59 p.m., June 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: January 4, 1980.

The Public Service Commission of Indiana has amended its lease agreements with the Penn Central Corporation (deleting USRA Line 429) and the Trustees of the Erie-Lackawanna Railway Company (deleting USRA Line 1261 and all but 16 miles of 1262 between mileposts 183 and 199) as the result of its recent decision permitting The Chicago and Indiana Railroad Company to cease all operations over those lines effective December 31, 1979.

The Tippecanoe Railroad Company is willing to operate over the line between Monterey, Indiana (MP 183), and (MP 199) near North Judson, Indiana, a distance of approximately 16 miles. The State of Indiana has designated Tippecanoe Railroad Company to operate over this track.

An application seeking permanent authority to operate as the designated operator of this line will be filed by Tippecanoe Railroad Company. If service over this line is not restored, numerous shippers on this line will not have needed rail service.

It is the opinion of the Commission that an emergency exists requiring the immediate resumption of operations over this line in the interest of the public; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered.

§ 1033.1420 Service Order No. 1420.

(a) *Tippecanoe Railroad Company Authorized to Operate over Tracks Leased From the State of Indiana.* Tippecanoe Railroad Company is authorized to operate over tracks leased from the State of Indiana between Monterey, Indiana, (MP 183), and (MP 199) near North Judson, Indiana, a distance of approximately 16 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of the application of Tippecanoe Railroad Company seeking authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 12:01 a.m., January 9, 1980.

(e) *Expiration.* The provisions of this order shall remain in effect until 11:59 p.m., June 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-1126 Filed 1-11-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1421]

Car Service; St. Louis-San Francisco Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co. at Hobart, Okla.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1421.

SUMMARY: Authorizes the St. Louis-San Francisco Railway Company to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at Hobart, Oklahoma, in order to provide essential railroad service to shippers which would otherwise be deprived of such service due to track embargoes on the RI.

EFFECTIVE DATE: 12:01 a.m., January 9, 1980, and continuing in effect until 11:59 p.m., March 2, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter (202) 275–7840.

SUPPLEMENTARY INFORMATION: Decided: January 4, 1980.

The line of the Chicago, Rock Island and Pacific Railroad Company (RI) serving Hobart, Oklahoma, is embargoed due to track conditions, depriving shippers at Hobart of essential railroad service by RI. The St. Louis-San Francisco Railway Company (SLSF) serves Hobart, Oklahoma, and has consented to operate over the tracks of the RI in Hobart to serve these industries. The Trustee of the RI has consented to the use of these tracks by the ATSF.

It is the opinion of the Commission that an emergency exists requiring the operation of SLSF trains over these tracks of the RI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.142 Service Order No. 1421.

(a) *St. Louis-San Francisco Railway Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company at Hobart, Oklahoma.* The St. Louis-San Francisco Railway Company (SLSF) is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) at Hobart, Oklahoma, for the purpose of serving industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the SLSF over tracks of the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved by the SLSF over the tracks of the RI shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., January 9, 1980.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 2, 1980, unless otherwise modified, amended or vacated by order of this Commission.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. John R. Michael not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-1127 Filed 1-11-80; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 45, No. 9
Monday, January 14, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1280

[Docket No. WR-1]

Wheat and Wheat Foods Research and Nutrition Education Order and Decision; Document Classification Correction

Correction

In the Federal Register for December 14, 1979 (44 FR 72866) a document was published relating to a decision and order on wheat and wheat foods research and nutrition education. The document was inadvertently classified as a final rule and should have appeared in the Proposed Rules section of the issue.

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

Physical Protection of In-Transit Special Nuclear Material of Moderate Strategic Significance

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is considering an amendment to 10 CFR Part 73 to allow the NRC to delay the shipments of certain quantities of Special Nuclear Material (SNM) of moderate strategic significance. The intent of the NRC is to prevent the concurrent shipment of two or more quantities of SNM of moderate strategic significance that, in total, would exceed a formula amount. Such an amendment would help the NRC prevent the loss or theft of a formula quantity of Strategic Special Nuclear Material (SSNM).

DATES: Comment period expires February 13, 1980.

ADDRESSES: Written comments or suggestions for consideration in connection with proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. C. K. Nulsen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301-427-4181).

SUPPLEMENTARY INFORMATION: The Commission has been concerned that possible theft of concurrent shipments of SNM of moderate strategic significance could result in the accumulation by an adversary of a formula quantity of SSNM. In the Physical Protection Upgrade Rule (44 FR 68184 November 28, 1979, the Commission prohibits the coincident transport by a single licensee of two or more shipments of SNM of moderate strategic significance if in the aggregate the series amounts to a formula quantity of SSNM. The NRC now proposes an amendment that would allow the NRC to delay the dispatching of one or more shipments by two or more licensees of SNM of moderate strategic significance whenever it appears that it would result in a formula quantity of SSNM being enroute at the same time. Implementation of this amendment would (1) help to assure that a formula quantity of SSNM could not be lost or stolen while in transit, and (2) provided the NRC with the capability of preventing the loss of additional material to an adversary before an accounting of a lost shipment has been made.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 73 is contemplated.

§ 73.67 [Amended]

1. A new subparagraph is added to § 73.67(e) of 10 CFR Part 73 to read as follows:

* * * * *

(e) In-Transit Requirements for Special Nuclear Material of Moderate Strategic Significance—

* * * * *

(6) If, after receiving advance notice of shipment of special nuclear material pursuant to § 73.72, it appears to the Commission that two or more shipments of special nuclear material of moderate strategic significance, constituting in the aggregate an amount equal to or greater than a formula quantity of strategic special nuclear material, may be en route at the same time, the Commission may order one or more of the shippers to delay shipment.

* * * * *

(Secs. 53, 161i, Pub. L. 83-703, 68 Stat. 930, 949, as amended (42 U.S.C. 2073, 2201))

Dated at Washington, D.C., this 8th day of January 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-1122 Filed 1-11-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-NW-46-AD]

Boeing Model 707/720/727/737 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: For Boeing Model 707/720/727/737 series airplanes, service experience indicates that during the routine use of the preflight checklist, the flight crew may overlook the unlighted leading edge position lights which indicates that the leading edge devices (slats and flaps) are not extended. A hazardous condition exists when a takeoff is attempted with the leading edge devices retracted.

This rule proposes to require the addition of leading edge device position logic that will provide both aural and visual warning when the leading edge devices are not deployed for takeoff.

DATES: Comments must be received on or before May 1, 1980.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 79-NW-46-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Mark I. Quam, Systems and Equipment Section, ANW-213, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this notice or proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 79-NW-46-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion of the Proposed Rule

The status of the 707/720/727/737 leading edge devices prior to takeoff is determined by the use of a Before Takeoff checklist coupled with the observation of the leading edge position lights. Green lights indicate the leading edge devices have extended. Amber lights indicate the leading edge devices are unlocked or in transit. Absence of leading edge position lights would indicate either a system failure or that the pilot had failed to put the flap handle in or beyond the first flap detent position.

Service experience indicates that during routine use of the Before Takeoff checklist, the flight crew may overlook the "no light" leading edge position light condition. They then may attempt a takeoff with the leading edge devices retracted. The latest known incident is the Indian Airlines Boeing 737 crash at Hyderabad, India on December 17, 1978. The Government of India Civil Aviation Department preliminary accident report of that incident indicates that the flight crew had failed to notice the lack of leading edge device lights during the use of the Before Flight checklist and then attempted a takeoff with the leading edge devices retracted.

We find that the unsafe condition described above could be eliminated by providing (a) a positive aural warning when the leading edge devices have not been extended prior to takeoff and (b) a visual amber caution warning when the leading edge devices have not been extended and the trailing edge flaps have been extended to the takeoff setting.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Boeing: Applies to all Model 707/720/727/737 series airplanes. Compliance required as indicated unless already accomplished. To assure the flight crew has positive warning when the leading edge flaps are not extended for takeoff, accomplish the following:

Within 2,400 flight hours or one year after the effective date of this AD, whichever comes first, install, in accordance with data approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, leading edge device logic that will provide the following:

(a) Aural warning when the leading edge devices have not been extended prior to takeoff; and

(b) Illumination of an amber caution light on the pilot's panel when the leading edge devices have not been extended, and the trailing edge flaps have been extended to a takeoff setting.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89).

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on December 31, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-875 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-CE-19]

Transition Area, Ottawa, Kans.; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Ottawa, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Ottawa, Kansas Municipal Airport, which is based on a Non-Directional Radio Beacon (NDB) being installed on the airport.

DATES: Comments must be received on or before February 17, 1980.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Benny J. Kirk, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before February 17, 1980, will be

considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181), by designating a 700-foot transition area at Ottawa, Kansas. To enchance airport usage by providing instrument approach capability to the Ottawa Municipal Airport, the City of Ottawa, Kansas, is installing an NDB on the airport. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Ottawa, Kansas, at and above 700-feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442) by adding the following new transition area:

Ottawa, Kans.

That airspace extending upwards from 700 feet above the surface within a 5 mile radius of the Ottawa Municipal Airport (Latitude 38°32'21"; Longitude 95°15'14"), and within 3 miles each side of the 167° bearing from the OWI NDB (Latitude 38°32'33"; Longitude 95°15'15"), extending from the 5 mile radius area to 8.5 miles southeast of the NDB facility.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65).)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on December 28, 1979.

John E. Shaw,

Director, Central Region.

[FR Doc. 80-655 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-CE-35]

Marshall, Mo.; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Marshall, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Marshall, Missouri Memorial Airport, which is based on a Non-Directional Radio Beacon (NDB) being installed on the airport.

DATES: Comments must be received on or before February 17, 1980.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Regional, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before February 17, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181), by designating a 700-foot transition area at Marshall, Missouri. To enhance airport usage by providing instrument approach capability to the Marshall Memorial Airport, the City of Marshall, Missouri, is installing an NDB on the airport. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Marshall, Missouri, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979 (44 FR

442) by adding the following new transition area:

Marshall, Mo.

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Marshall Memorial Airport (Latitude 39°06'00"; Longitude 93°12'10"), and within 3 miles each side of the 347° bearing from the MHL NDB (Latitude 39°05'49"; Longitude 93°11'52"), extending from the 5-mile radius area to 8.5 miles northwest of the NDB facility; and within 3 miles each side of the 184° bearing from the MHL NDB extending from the 5-mile radius area to 8.5 miles southwest of the NDB facility.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65).)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on December 28, 1979.

John E. Shaw,

Director, Central Region.

[FR Doc. 80-667 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-CE-37]

Transition Area—Fulton, Mo.; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Fulton, Missouri, to provide additional airspace for aircraft executing a new instrument approach procedure to the Fulton, Missouri Municipal Airport, which is based on the Fulton Non-Directional Radio Beacon (NDB), a navigational aid, installed on the airport.

DATES: Comments must be received on or before February 17, 1980.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before February 17, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Fulton, Missouri. To enhance airport usage, an additional instrument approach procedure is being developed for the Fulton, Missouri Municipal Airport, utilizing the Fulton NDB installed on the airport. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the transition area at Fulton, Missouri at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442) by altering the following transition area:

Fulton, Mo.

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Fulton Municipal Airport (latitude 38°50'22"N; longitude 92°00'17"W), and within 2 miles each side of the Hallsville, Missouri VORTAC (latitude 39°06'49"; longitude 92°07'41") 154°R; extending from the 5-mile radius area to 6 miles NW of the Fulton Municipal Airport, and within 3 miles each side of the Fulton, Missouri NDB (latitude 38°50'34", longitude 92°00'16") 229° bearing; extending from the 5-mile radius area to 8.5 miles SW of the NDB, and within 3 miles each side of the NDB facility 065° bearing; extending from the 5-mile radius area to 8.5 miles NE of the NDB; excluding that portion which overlies the Columbia, Missouri, 700 foot Transition Area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65).).

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on December 28, 1979.

John E. Shaw,

Director, Central Region.

[FR Doc. 80-668 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SO-87]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area, Forest, Miss.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule will designate the Forest, Mississippi, Transition Area and will lower the base of controlled airspace in the vicinity of Forest Municipal Airport from 1,200 to 700 feet to accommodate Instrument Flight Rule (IFR) operations. A public use instrument approach procedure has been developed for the Forest Municipal Airport and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

DATES: Comments must be received on or before: February 13, 1980.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before February 13, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Forest, Mississippi, 700-foot Transition Area. This action will provide required controlled airspace to accommodate aircraft performing IFR operations at Forest Municipal Airport. The Forest (nonfederal) nondirectional radio beacon, which will support the approach procedure, is proposed for establishment in conjunction with the transition area. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (44 FR 442), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Forest, Miss.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Forest Municipal Airport (Lat. 32°21'12"N.; Long. 89°29'19"W.), within 3 miles each side of the 335° bearing from the Forest RBN, extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN. (Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Georgia, on January 2, 1980.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 80-869 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 159

[Docket No. 19939; Notice No. 80-1]

Dulles Airport Access Highway

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The FAA proposes to amend the regulation which controls the use of the Dulles International Airport Access Highway. The amendment is desired to allow carpools to use the access highway and will stimulate the use of carpools, thereby reducing energy consumption. Use of the highway is presently restricted to airport users with exceptions for patrons of performances at Wolf Trap Farm Park and for commuter buses entering and exiting the highway at Route 602 (Reston Avenue). This proposal would include these exceptions in the regulation and would permit carpools of four or more persons access to the highway in both directions during the peak commuter periods without causing congestion on the access highway.

DATE: Comments must be received on or before February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Dexter Davis, Manager, Dulles International Airport, P.O. Box 17045, Washington, D.C. 20041, Telephone: 471-7596.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Comments relating to the issues and policies discussed below are invited as well as comments on the environmental, energy, or economic

impact that might result from adoption of the proposed rule. Communications should identify the regulation docket or notice number and be mailed in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket, AGC-24, 800 Independence Ave., S.W., Washington, D.C. 20591.

or delivered in duplicate to:
Room 916, 800 Independence Ave., S.W., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 19939. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

All communications received on or before February 29, 1980, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments on Docket No. 19939."

The postcard will be date and time stamped and teturned to the commenter.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rule Making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

Background

In 1957 the decision was made to construct Washington, D.C.'s second airport at the site in Chantilly, Virginia. It was understood that rapid ground access to downtown Washington (approximately 26 miles away) was essential to the success of the airport. A decision was made to construct a dedicated airport access highway that would separate airport users from commuters and local traffic and be reserved for the sole use of persons traveling to or from the airport.

In 1962 the Dulles International Airport Access Highway (Access Highway) was completed as a four-lane, divided highway extending from Dulles Airport eastward approximately 15 miles to an interchange with Interstate Route 495 (Capital Beltway) and Virginia Route 123 near McLean, Virginia. Along its length, the road interchanges with Virginia Routes 28, 657, 602, 674, 676, and 7. With two exceptions, each of these locations has ramps which provide access only to and from the airport.

The two exceptions to the airport-only traffic policy are extremely limited in nature. Temporary ramps connecting the access highway to Wolf Trap Farm Park (and its Filene Center for the Performing Arts) were opened in July 1971 and are used only during summer performances at the Park. This exception was granted to prevent disruption to local residential streets, which provide very limited access to the heavy traffic associated with performances at Wolf Trap. In addition, this traffic uses the access highway only during limited periods, which often occur at off-peak hours. These ramps were funded by the Wolf Trap Foundation for the Performing Arts, are operated by the National Park Service, and are under the administrative control of the FAA.

The other policy exception is the Reston Avenue ramps to and from Washington on Route 602, Reston Avenue. In July 1973, these ramps opened, with control gates restricting access to commuter buses. This exception was granted to provide preferential treatment to higher occupancy vehicles and to encourage mass transit. The ramps were constructed with funds provided by Gulf Reston, Inc.

The FAA policy on restriction of use of the access highway has resulted in much correspondence since it was announced in 1959. Over the past 20 years there have been many requests for access from individuals, citizen groups, land development companies, and governmental entities. Consistent with the original intent, the FAA and the Department of Transportation have denied all access requests with only the two exceptions described above.

Over the past several years, the FAA has continued to review the question of access to the highway and has monitored traffic on it. Based upon this review in July 1979 the Department of Transportation submitted a report to Congress, entitled "Carpool Access to Dulles Airport Access Road" pursuant to Section 165 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 134). The report contained a review of the history of the access highway policy, the policies and issues bearing upon a decision to permit commuter carpool access to the highway and the alternatives before the Department. The report recommended that four-person carpools be allowed to use the access highway.

Since its opening in November 1962, Dulles Airport's level of activity has gradually increased. It is now handling approximately 3,500,000 passengers per year and almost 200,000 annual aircraft operations. This compares to Washington National Airport's 15,100,000 passengers per year and over 350,000 annual aircraft operations. Traffic volumes on the access highway reflect the gradual increase in activity levels at the airport. Late in 1967 the access highway was handling an average of approximately 5,000 vehicles per day (flow in one direction) at its westerly (airport) end. Today, this figure has increased to about 14,000 vehicles per day, with busy days exceeding 15,000 vehicles per day. Peak hour traffic loads, which typically occur in the busy morning and evening periods, are in the range of 2,500 to 3,000 vehicle movements (flow in one direction).[1] The DOT report contains estimates on the effect of traffic on the access road if carpools were allowed access. The report concludes that if continued carpool access is permitted through 1984, no undue congestion is forecast because the direction and location of carpool peaks do not coincide with that of airport associated traffic.

[1] It should be noted that a substantial amount of this peak period traffic is not legitimate airport traffic. A problem exists with commuters bound for I-495 illegally using the access highway by driving towards the airport and turning around to gain access to the eastbound access highway lanes. This circuitous maneuver is made to avoid heavy traffic congestion on alternate local routes. During the morning peak period, approximately 3,500 vehicles turn around at the airport. In the future, FAA intends to institute control mechanisms to ameliorate this turn-around traffic problem, but such controls are not contemplated as part of the proposal to allow carpools to use the Access Highway.

In deciding whether carpool access should be allowed to utilize the access highway, certain issues must be considered in accordance with the policy of keeping the highway a free flowing artery for the exclusive use of airport users.

One issue which must be considered is increased air service demand at Dulles with resulting increases in surface traffic. The FAA is proposing an airport policy, which is the subject of a separate rulemaking action, to guide the operation of Washington and Dulles Airports. One objective of that policy is to encourage an adjustment in the distribution of aircraft activity amongst the region's airports. Such an adjustment would, over time, increase Dulles Airport's share of the Metropolitan Washington region's annual passenger market. Effective implementation of the policy will lead to increased airport traffic on the access highway. To accommodate the increase, and to avoid adding to the groundside delay of air travelers, the access highway must be maintained as an unconstricted airport access facility.

Expanded use of the access highway would be consistent with section 126 of the Surface Transportation Assistance Act of 1978 which states that it ". . . be national policy that special effort should be made to promote . . ." activities such as preferential carpool highway lanes. Section 169 of the Surface Transportation Assistance Act of 1978 amends Section 134, Title 23 U.S.C., to state that the ". . . planning process shall include an analysis of alternative transportation system management and investment strategies to make more efficient use of existing transportation facilities." In addition, the Federal Highway Administration/Urban Mass Transit Administration "Major Urban Transportation Investment Policy and Procedures" statement published as Notice of Proposed Rulemaking (December 7, 1978) requires a cost-effectiveness analysis of alternatives as the basis for approval of major urban transportation investments. Among the alternatives suggested is "priority treatment of buses and carpools."

Also, relevant are Federal regulations governing urban transportation planning which establish policy with respect to the role of metropolitan planning organizations. In describing the responsibilities of the metropolitan planning organizations (MPO) relative to transportation planning and developing an area's transportation improvement program, 23 CFR 450.112 states that ". . . the MPO shall be the forum for cooperative decisionmaking by principal elected officials of general purpose local government." The Metropolitan Washington Council of Governments (COG) is the designated MPO in this area. In April 1978 the Transportation Planning Board of COG recommended that four-person carpools be given access to the Dulles Airport Access Highway in both the peak and off-peak direction.

FAA is cognizant of the policies and positions of other local governments and planning agencies. Fairfax County has in the past expressed support for opening the access highway to peak period carpool use. Loudoun County has urged that the access highway be opened to carpool activity from Route 28.

Another issue which must be considered involves land use and development in the Dulles Airport corridor and vicinity. Fairfax County strongly advocates the construction of a roadway parallel to the access highway for general purpose traffic to provide improved access in this area, which is targeted for major residential, light industrial, and office development (e.g., the transfer of corporate headquarters from major urban centers).

After an analysis of all pertinent issues, the FAA proposes to allow four or more person carpools access to the highway in both directions during peak hours until January 1, 1985, at which time the full impacts of the Metropolitan Washington Airports Policy will be assessed. Carpool access would be subject to the following conditions:

1. Implementation of carpool access and enforcement of this restriction will be a state/local responsibility. Agreement will be reached between DOT and the Commonwealth of Virginia on an Enforcement Plan, which will at least initially require a full-time presence of enforcement personnel at access ramps during periods of carpool use to establish high levels of compliance.

2. If effective enforcement of access ramp use cannot be maintained to the satisfaction of the FAA or if the access highway becomes congested, interfering with airport-related traffic, carpool use of the highway will be reviewed and, if necessary, terminated before January 1, 1985, after an opportunity is provided for appropriate notice and public comment.

This decision is based upon the fact that it:

1. Would be consistent with DOT policy of promoting carpool usage and making better use of existing transportation investments;

2. Would have slight energy, congestion-reducing and air quality benefits, with relatively little construction cost;

3. Would be consistent with strong desires of most local officials and the designated Metropolitan Planning Organization;

4. Could have near-term effect of a modest reduction in turn-around traffic at the airport and, thus, would have little effect on access highway congestion;

5. Would help alleviate existing and short-range transportation problems, while giving the state and localities an opportunity to make other transportation improvements to meet mid- and long-range needs; and

6. Would guarantee free-flowing access to Dulles and would restore the access highway to exclusive airport-related traffic use in 1985, if a Metropolitan Washington Airports Policy of shifting passenger growth to Dulles and Baltimore/Washington International Airports is adopted.

Prior to implementation of this reconsideration, the DOT report requested that FAA:

1. Complete an Environmental Assessment;

2. Submit the proposal to the NCPC for their review; and

3. Complete a formal agreement with the Commonwealth of Virginia, specifying the conditions of granting carpool access, including the requirement for strict enforcement by the state.

A summary of the actions taken by the FAA in response to this request is as follows:

Environmental Impact Assessment

On November 19, 1979, the Director of FAA Metropolitan Washington Airports completed an Environmental Assessment of carpool access to the access highway. The assessment included projections of the number of carpools in 1984 utilizing the access road from Route 28, Route 602 (Reston Avenue) and Route 676 (Trap Road). It projected that in 1984 there would be 650 carpools using the road in the peak hours. This carpool traffic in 1984 is not expected to significantly affect service to airport users. It is expected that 15 to 20% of the potential Reston Commuter Bus ridership will carpool when the ramps are opened to take advangage of an alternative to the bus that yields a time savings equal to or greater than the bus. However, the projected number of carpools is composed of 15% from transit and 85% from low occupancy private vehicles.

It is expected that, with the proper signing, striping and appropriate traffic controls, and carpool and bus separation at the Reston Avenue ramps, no significant traffic safety problems

will be encountered at Route 28, Reston Avenue or Trap Road. Other significant findings in the assessment are that the carpool proposal will not affect land use either in the overall access highway corridor or along Route 28, Reston Avenue, or Trap Road. Furthermore, the projected increase in carpool traffic is not expected to significantly impact upon park land, in particular Wolf Trap Farm Park, or affect air quality or noise levels at either residential or park properties adjacent to the access highway.

The assessment analyzed the number of low occupant car users to be diverted to carpools, the number of bus users diverted to carpools (it is not expected to affect the number of bus runs from the access highway/Route 7 corridor) and the effect of carpool vehicles on congestion levels. The conclusion relating to energy impacts was that the *daily* savings in gallons of gasoline from the carpool proposal is 1985 gallons in 1979 and 3785 gallons in 1984.

The Environmental Assessment is available for public inspection at the following locations:

Washington National Airport, Hangar 9, Room 204
Dulles International Airport, Manager's Office
Fairfax County Public Libraries: Central Library; Reston Regional Library; Herndon Fortnightly Library; and Dolley Madison Library
Loudoun County Library (Thomas Balch Library)

In addition, the environmental assessment was sent to organizations known to have an interest in the proposal. FAA representatives have met with several of these organizations including the National Park Service of the Department of the Interior, the Loudoun County Planning Staff, and the Board of Directors of the Shouse Village Civic Association representing many residents in the Trap Road area. The Park Service, which operates Wolf Trap Farm Park, is concerned that use of Trap Road for carpools would conflict with the special one way traffic pattern that expedites traffic movement from the Park after matinee performances. The Park Service also expressed concern about the Wolf Trap parking lots becoming a frequently used site for carpool formation. FAA intends to discuss these issues with the Park Service and has offered to meet with other potentially interested organizations to discuss the proposal. With regard to a possible roadway parallel to the access highway, that project will be subjected to a complete environmental impact statement if use of the access highway is proposed. The use of the access highway by carpools will not, in FAA's opinion, alter the likelihood that a parallel roadway will, or will not, be built.

The DOT Report to Congress is contained in an appendix within the Environmental Assessment.

National Capital Planning Commission (NCPC)

Under the provision of the National Capital Planning Act of 1952 projects affecting Dulles and National Airports are subject to the review of the NCPC. In its approval of the Reston Commuter Bus ramps in December 1972, the NCPC specifically stipulated that any proposed changes in operation of these ramps be submitted for additional review. Therefore, in November FAA submitted the carpool proposal to NCPC for its consideration. The proposal was considered at the regularly scheduled meeting of NCPC on December 6. At that meeting NCPC endorsed the recommendation of the DOT Report to allow four or more person carpools to use the access highway during commuter rush hours, provided that an enforcement agreement is entered into between DOT and the Commonwealth of Virginia, and that permission to use the highway will terminate on January 1, 1985, or when suitable parallel roadways are constructed by the Commonwealth of Virginia, whichever occurs first, or earlier if DOT determines that such use is adversely affecting airport access. NCPC's endorsement also provided that an effort be made to prevent carpool formation from occurring at the parking lot at Wolf Trap Farm Park and thereby burdening that facility.

Agreement with the State of Virginia

The DOT Report stated that a formal agreement between DOT and the Commonwealth of Virginia is considered the best vehicle to accomplish implementation of carpool access to the access highway. The agreement would specify the conditions of carpool use including allowable access points, periods of use, implementation and enforcement responsibilities and any provisions for terminating access or shifting carpools from the Access Highway if additional capacity is provided in the area. FAA and the Commonwealth have discussed these issues and it appears that an agreement will be reached by which FAA will convey property interests to the Commonwealth that are sufficient to confer the necessary jurisdiction to the State to ensure enforcement of the carpool restrictions by State and/or local police.

Proposed Amendment

FAA proposes to modify the Federal Aviation Regulations to permit carpool access to the Dulles Airport Access Highway until January 1, 1985. If, through the processes described above for environmental assessment, for NCPC review, and for reaching a formal agreement with the State of Virginia, the FAA is, in its judgment, presented with good sufficient reason not to permit carpool access to the access highway, it may withdraw or modify this proposal.

Additionally, the proposed amendment specifies each exception that permits private vehicles to use the Access Highway for a purpose other than to go to or from the Airport. They are set out in proposed new subsection 159.35(b), and are necessary for clarification and enforcement. The regulation as proposed will recognize the exception for vehicles going to and from performances at Wolf Trap Farm Park. In addition, large buses operated in common carriage by companies holding a certificate of public convenience for operations for which use of the access highway is appropriate, and large buses operated by the Fairfax County Public School System will be permitted to continue using the ramps at Reston Avenue at all hours. The access gate mechanism at Reston Avenue is responsive only to large vehicles. Smaller buses, mini-buses and vans will remain unable to use these ramps except those vehicles would be able to use the ramps during the hours that the ramps are open to vehicles with four or more persons.

Existing subsection (b) is proposed to become subsection (c) of 159.35. FAA also proposes to modify the existing regulation by eliminating a redundant provision that states that the access highway is part of the Dulles International Airport. This is already provided for in existing section 159.1 (14 CFR 159.1).

Finally, the FAA's resolve to maintain a free flowing access highway to Dulles Airport is undiminished by this proposal. The primary purpose of the highway is to provide airport access. If the exceptions to airport-only traffic contained in the regulation prove to adversely affect airport access, changes to the rule will be considered.

Comment Period

The FAA normally provides a 60-day comment period for all NPRMs. In the development of the access highway policy, there has already been extensive public participation. The FAA has received comments from and has had discussions with numerous groups

representing those most affected by this proposal. The groups involved include: National Capital Planning Commission, Loudoun County Government Planning Staff, Fairfax County Government Office of Transportation, the Virginia State Police, the Metropolitan Washington Council of Governments; and representatives of other state/local organizations.

Furthermore, the environmental assessment has been available for public review, and comment, in the public libraries since November 1979. The comments that are received on the assessment will be considered in the preparation of this rule. As a result of this previous public participation it has been determined that a comment period of 45 days will provide a sufficient period for public comment.

Proposed Amendment

PART 159—NATIONAL CAPITAL AIRPORTS

Accordingly, it is proposed to amend § 159.35 of Part 159 of the Federal Aviation Regulations (14 CFR 159.35) to read as follows:

§ 159.35 Use of access road to Dulles International Airport.

(a) Except in an emergency, and except as provided in paragraph (b) of this section, private vehicles may enter upon the Dulles Airport Access Highway only for the purpose of going to, or leaving, Dulles International Airport, or, with the permission of the Airport Manager, to perform work on the Highway. Entry by a private vehicle upon the Dulles Airport Access Highway for purpose not authorized by this section is a trespass on United States property.

(b) *Exceptions:* The following private vehicles may enter upon the travel over the access highway:

(1) Vehicles operated for the purpose of going directly to or from performances at the Wolf Trap Farm Park for the Performing Arts.

(2) Buses operated in common carriage of persons by companies holding a certificate of public convenience and necessity for an operation for which use of the highway is appropriate, and buses operated by the Fairfax County School System.

(3) Until January 1, 1985, vehicles occupied by four or more persons. These vehicles may operate between 6:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 7:00 p.m., Monday through Friday except national holidays, and except as otherwise prescribed by the Airport Manager on signs posted at the access highway.

(c) Except in an emergency, no operator of a private vehicle may—

(1) Enter or leave the access highway through an entrance or exit road or ramp other than one constructed by the FAA as part of the access highway system;

(2) Make a U-turn on the access highway;

(3) Enter or cross the median strip of the access highway;

(4) Use an exit road or ramp to enter the access highway;

(5) Use an entrance road or ramp to leave the access highway; or

(6) Operate the vehicle in violation of speed limit signs and other operating signs posted on the access highway.

(Secs. 3 and 4 of the Second Washington Airport Act, 64 Stat. 770; sec. 313 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1359); sec. 6, Department of Transportation Act (49 U.S.C. 1655))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The economic impact of the proposal is judged to be minimal and a detailed evaluation is not required.

Issued in Washington, D.C., on January 9, 1980.

James A. Wilding,

Director, Metropolitan Washington Airports.

[FR Doc. 80-1085 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 43a

Preparation, Certification and Approval of Roll of Pyramid Lake Paiute Indians

December 28, 1979.

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs proposes to add a new part to its regulations to establish procedures to govern preparation of a roll of persons eligible to share in the distribution of funds derived from an award to the Pyramid Lake Paiute Tribe.

DATE: Comments must be received on or before February 13, 1980.

ADDRESS: Written comments should be directed to the Chief, Division of Tribal Government Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Tribal Operations Officer, Bureau of Indian Affairs, Phoenix Area Office, 3030 N. Central, P.O. Box 7007, Phoenix, Arizona, telephone: 602-283-4112.

SUPPLEMENTARY INFORMATION: The Pyramid Lake Paiute Indian Tribe was awarded a judgment by the Indian Claims Commission in Docket 87-B. Funds to satisfy the award were appropriated by Congress and the plan for the use and distribution of the funds became effective on June 12, 1979. The plan requires that the Secretary of the Interior shall construct a tribal base roll as of January 1, 1935, and prepare in cooperation with the tribal governing body a roll of members of the Pyramid Lake Paiute Tribe as of June 12, 1979, the effective date of the plan. Enrollment criteria specified in the tribal constitution shall be used to determine eligibility for enrollment on the 1979 roll.

The authority for issuing these regulations is contained in 5 U.S.C. 301 and sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9), and 209 DM 8.

The primary authors of this document are Sharlot Johnson, Tribal Enrollment Specialist, Phoenix Area Office, Bureau of Indian Affairs; Allen Anspach, Tribal Operations Officer (Intern), Phoenix Area Office, Bureau of Indian Affairs, Janet L. Parks, Chief, Branch of Tribal Enrollment Services, Bureau of Indian Affairs, and Kathleen L. Slover, Tribal Enrollment Specialist, Branch of Tribal Enrollment Services, Bureau of Indian Affairs.

The Department of the Interior has determined that this proposed rule does not significantly affect the quality of the human environment and, therefore, does not require the preparation of an Environmental Impact Statement under Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(c).

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of a new part to read as follows:

PART 43a—PREPARATION OF A ROLL OF PYRAMID LAKE PAIUTE INDIANS

Sec.

Sec.

Authority: 5 U.S.C. 301, 463 and 465 of revised statutes (25 U.S.C. 2 and 9), and 209 DM 8.

§ 41a.1 Definitions.

As used in these regulations:

(a) "Plan" means the plan for the use and distribution of Pyramid Lake Paiute judgment funds awarded in Docket 87–B before the Indian Claims Commission, prepared pursuant to the Act of October 19, 1973, and effective June 12, 1979.

(b) "Secretary" means the Secretary of the Interior or his authorized representative.

(c) "Assistant Secretary" means the Assistant Secretary of the Interior for Indian Affairs or his authorized representative.

(d) "Director" means the Area Director, Phoenix Area Office, Bureau of Indian Affairs or his authorized representative acting under delegated authority.

(e) "Superintendent" means the Superintendent, Western Nevada Agency, Bureau of Indian Affairs or his authorized representative acting under delegated authority.

(f) "Staff Officer" means the Enrollment Officer or other person authorized to prepare the roll.

(g) "Tribe" means the Pyramid Lake Paiute Tribe of Nevada.

(h) "Tribal Council" means the governing body of the Pyramid Lake Paiute Tribe.

(i) "Tribal Enrollment Committee" means the tribal committee responsible for assisting the Tribal Council in enrollment.

(j) "Living" means born on or prior to and living on June 12, 1979.

(k) "Resident" means one who makes the Pyramid Lake Indian Reservation his fixed and permanent home and to which, if he is absent, he intends to return.

(l) "Constitution" means the written organizational framework for the governing of the tribe and/or any valid document, enrollment ordinance, or resolution the tribe may adopt pursuant to its constitution.

(m) "Sponsor" means a parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Superintendent, or other person who files an application for enrollment on behalf of another person.

§ 43a.2 Purpose.

The regulations in this part are to govern the compilation of a roll of members of the Pyramid Lake Paiute Tribe eligible to share in the distribution of judgment funds awarded the Pyramid Lake Paiute Indians by the Indian Claims Commission in Docket No. 87–B.

§ 43a.3 Qualifications for enrollment and deadline for filing.

The roll shall contain the names of persons living on June 12, 1979, who meet the following requirements for enrollment:

(a) The criteria specified in Article II, Section 1 of the Pyramid Lake constitution which provides that the membership of the tribe shall consist of:

(1) All persons of Indian blood whose names appear on the official roll of the Pyramid Lake Reservation as of January 1, 1935.

(2) All children born to any member of the Pyramid Lake Paiute Tribe who is a resident of the reservation at the time of the birth of said children; or

(b) They are adopted into membership by the tribe pursuant to any ordinance adopted by the tribe in accordance with Article II, Section 2 of the constitution, and approved by the Secretary.

(c) They file an application with the Superintendent, Western Nevada Agency, Stewart, Nevada 89437. Applications must be received by the Superintendent no later than close of business on (date to be inserted in final regulations). Applications received after that date will be rejected for inclusion on the roll being prepared for failure to file on time regardless of whether applicant otherwise meets the requirements for enrollment. However, persons rejected for late-filed applications may be considered for enrollment as members of the tribe for future purposes. If the filing deadline falls on a Saturday, Sunday, legal holiday or other nonbusiness day, the deadline will be the next working day thereafter.

§ 43a.4 Application forms.

(a) Applications forms to be filed by applicants for enrollment will be furnished by the Superintendent, or other designated persons, upon written or oral request. Each person furnishing application forms shall keep a record of the names of individuals to whom applications are given, as well as the control numbers of the forms and the date furnished. Instructions for completing and filing applications shall be furnished with each form. The form shall indicate prominently the deadline for filing applications.

(b) Among other information, each application shall contain:

(1) Certification as to whether application is for a natural child or an adopted child of the parent through whom eligibility is claimed.

(2) If the application is filed by a sponsor, the name, and address of sponsor and relationship to applicant.

(3) A control number for the purpose of keeping a record of applications furnished interested individuals.

§ 43a.5 Filing of applications.

(a) Any person who desires to be enrolled and who believes he meets the requirements for enrollment specified in the plan and the regulations in this part must file or have filed for him a completed application form with the Superintendent or other designated person on or before the deadline specified in § 43a.3.

(b) Written application forms for minors, mentally incompetent persons or other persons in need of assistance, for members of the Armed Services or other service of the U.S. Government and/or members of their families stationed in Alaska, Hawaii, or elsewhere outside the continental United States, or for a person who died after June 12, 1979, may be filed by the sponsor on or before the deadline.[1]

(c) Every applicant or sponsor shall furnish the applicant's mailing address on the application. Thereafter, he shall promptly notify the Superintendent of any change in address, giving appropriate identification of the application, otherwise the address as stated shall be acceptable as the proper address.

§ 43a.6 Burden of proof.

The burden of proof of eligibility for enrollment rests upon the applicant. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings or affidavits must be used to support claims for enrollment. Records of the Bureau of Indian Affairs may also be used to establish eligibility.

§ 43a.7 Action by the Tribe.

All applications received by the Superintendent shall be submitted to the Tribal Enrollment Committee for review and recommendation. The Tribal Enrollment Committee shall review all applications and present their written recommendations at the next regularly scheduled Tribal Council meeting after receipt of the applications. The Tribal Council, by resolution, will make their decision. The decision shall state the reason(s) for approval or rejection of the applicant for tribal membership. Within five (5) working days after the Tribal Council's action, the applications shall be returned to the Superintendent with

[1] Criminal penalties are provided by statute for knowingly filing false information in such settlements. (18 U.S.C. 1001).

the decision and any additional evidence used in determining eligibility for tribal membership.

§ 43a.8 Action by the Superintendent.

(a) The Superintendent shall consider each application, all documentation, and the Tribal Council's decision. The Superintendent shall accept the decision of the Tribal Council unless the decision is clearly erroneous. If the Superintendent overrules the Tribal Council's decision, he shall notify the Tribal Council of his actions and the reasons therefore. The determination of the Superintendent shall only affect the applicant's eligibility to share in the distribution of the judgment funds. Upon determining an applicant's eligibility, the Superintendent shall notify the applicant or sponsor, as applicable, in writing of his decision. If the decision is favorable, the name of the applicant shall be placed on the roll. If the Superintendent decides the applicant is not eligible, he shall notify the applicant or sponsor, as applicable, in writing by certified mail, to be received by the addressee only, return receipt requested, and shall explain fully the reasons for rejection and of the right to appeal to the Secretary. If correspondence is sent out of the United States, it may be necessary to use registered mail. If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the person who filed the applications. However, said notice must list the name of each person involved.

(b) A notice of eligibility or rejection is considered to have been made on the date (1) of delivery indicated on the return receipt, (2) of acknowledgement of receipt, (3) of personal delivery, or (4) of the return by the post office of an undelivered certified or registered letter.

(c) In all cases where an applicant is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his client; and service of any document relating to the application shall be considered to be service on the applicant he represents. Where an applicant is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

(d) To avoid hardship or gross injustice, the Superintendent may waive technical deficiencies in applications or other submissions. Failure to file by the deadline does not constitute a technical deficiency.

§ 43a.9 Appeals.

Appeals from rejected applications must be in writing and must be filed pursuant to Part 42 of this subchapter, a copy of which shall be furnished with each notice of rejection.

§ 43a.10 Decision of the Secretary on appeals.

The decision of the Secretary on an appeal shall be final and conclusive, and written notice of the decision shall be given to the applicant or sponsor. When so directed by the Secretary, the Assistant Secretary shall cause to be entered on the roll the name of any person whose appeal has been sustained.

§ 43a.11 Preparation of roll.

The staff officer shall prepare a minimum of 5 copies of the roll of those persons determined to be eligible for enrollment, including those whose appeals were sustained. In addition to other information which may be shown, the complete roll shall contain for each person an identification number, name, address, sex, date of birth, date of death (if applicable), degree of tribal blood, and the authority for enrollment.

§ 43a.12 Certification and approval of the roll.

A certificate shall be attached to the roll by the Superintendent certifying that to the best of his knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Director shall approve the roll.

§ 43a.13 Special instructions.

To facilitate the work of the Superintendent the Assistant Secretary may issue special instructions not inconsistent with the regulations in this Part.

Forrest J. Gerard,

Assistant Secretary—Indian Affairs.

[FR Doc. 80-1084 Filed 1-11-80; 8:45 am]

BILLING CODE 4310-02-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Eligibility for Vocational Rehabilitation and Educational Assistance—Character of Discharge

AGENCY: Veterans Administration.

ACTION: Proposed Regulations.

SUMMARY: The Veterans Administration is amending its regulations concerning eligibility for vocational rehabilitation and educational assistance pursuant to chapters 31 and 34, title 38, United States Code. These changes are necessary in order to implement a law enacted October 8, 1977. Most of the changes are liberalizing. Others are of a minor or technical nature. The regulatory amendments will implement the provisions of the law.

DATES: Comments must be received on or before February 11, 1980. In accordance with Pub. L. 95-126 (91 Stat. 1106), it is proposed that all regulatory amendments be made effective October 8, 1977. Comments will be available for inspection at the address shown below until February 20, 1980.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, Washington, DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: The proposed regulatory amendments contain provisions for determining the eligibility for vocational rehabilitation and educational assistance of people who completed satisfactorily their initial period of obligated military service; provisions for determining the eligibility period for those persons who became eligible for benefits under chapter 34, title 38, United States Code, solely as a result of Pub. L. 95-126 and the liberalized §§ 3.12 and 3.13, Title 38, Code of Federal Regulations; and provisions which make clear that once an eligible veteran is released from active duty he or she will have no more than 10 years in which to use his or her entitlement to educational assistance under chapter 34, title 38, United States Code.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding these documents to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until February 20, 1980. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and room number.

Approved: January 3, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Ch. 31

1. In § 21.40, paragraph (b) is revised to read as follows:

§ 21.40 Basic eligibility.

* * * * *

(b) *Discharge or release.* The veteran must have received an unconditional discharge or release from active service.

(1) The unconditional discharge or release must have been under conditions other than dishonorable, and the veteran must not be barred from reciept of benefits administered by the Veterans Administration pursuant to § 3.12 of this chapter (unless he or she can qualify under paragraph (b)(2) of this section), or

(2) If the unconditional discharge or release was under dishonorable conditions, the veteran must have been eligible, but for the fact of his or her reenlistment, for the award of a discharge or release under conditions other than dishonorable at the time the veteran statisfactorily completed the period of active service for which he or she was obligated at the time of entry on active service. (38 U.S.C. 101)

* * * * *

2. In § 21.42, footnote [1] is revised to read as follows:

§ 21.42 Dates of eligibility.

* * * * *

[1] Date of discharge refers to the first unconditional discharge or release under conditions other than dishonorable following the period of service in which the disability occurred. If the unconditional discharge or release was under dishonorable conditions, date of discharge refers to the last date of the satisfactorily completed period of obligated active service during which the disability occurred.

* * * * *

Subpart B—Veterans' Educational Assistance Under 38 U.S.C. Chapter 34

3. In § 21.1040, paragraph (d) is revised to read as follows:

§ 21.1040 Basic eligibility.

* * * * *

(d) *Discharge or release.* The veteran must have received an unconditional discharge or release from active service.

(1) The unconditional discharge or release must have been under conditions other than dishonorable, and the veteran must not be barred from receipt of benefits administered by the Veterans Administration pursuant to § 3.12 of this chapter (unless he or she can establish eligibility pursuant to paragraph (d)(2) of this section); or

(2) If the unconditional discharge or release was under dishonorable conditions, the veteran must have been eligible, but for the fact of his or her reenlistment, for the award of a discharge or release under conditions other than dishonorable at the time the veteran statisfactorily completed the period of active service for which he or she was obligated at the time of entry on active service. (38 U.S.C. 101)

* * * * *

4. In § 21.1042, paragraph (a) is revised, new paragraphs (d) and (e) are added and the former paragraphs (d) and (e) are redesignated (f) and (g) so that the added and reviewed material reads as follows:

§ 21.1042 Ending dates of eligibility

The ending date of eligibility will be determined as follows:

(a) *General.* Except as otherwise provided in this section and as provided by § 21.1043, no educational assistance will be afforded a veteran later than 10 years after his or her last discharge or release from active duty after January 31, 1955 or December 31, 1989, whichever is the earlier. (38 U.S.C. 1662)

* * * * *

(d) *Eligibility based on conditional discharge.* If the veteran's eligibility is based solely on a qualifying period of active duty as set forth in § 21.1040(d)(2), no educational assistance allowance shall be afforded after October 8, 1987 or 10 years after the veteran completed the qualifying period of active duty, whichever is later, unless the veteran qualifies for a later ending date pursuant to § 21.1043. In no event, however, shall educational assistance allowance be furnished such a veteran after December 31, 1989. (38 U.S.C. 101,1662)

(e) *Eligibility established after the Veterans Administration determines the character of discharge.* If a veteran receives an undesirable discharge, or a bad conduct discharge, but is entitled to educational assistance allowance solely because the Veterans Administration determines pursuant to § 3.12 of this chapter that the discharge was under conditions other than dishonorable, the last date on which educational allowance may be afforded shall be determined as follows:

(1) If the veteran's discharge is under other than dishonorable conditions pursuant to § 3.12 of this chapter as that section was written and interpreted on the date the veteran was discharged, no educational assistance shall be afforded after the dates set forth in paragraph (a) or (c) of this section, as appropriate.

(2) If the veteran was discharged prior to October 8, 1977, and his or her discharge is considered to have been under dishonorable conditions pursuant to § 3.12 of this chapter as that section was written and interpreted on the date of his or her discharge, but is considered to have been under other than dishonorable conditions pursuant to § 3.12 of this chapter as that section was written and interpreted after October 7, 1977, educational assistance shall not be afforded after October 7, 1987 unless the veteran qualifies for a later date pursuant to § 21.1043. In no event, however, shall such a veteran receive educational assistance allowance after December 31, 1989.

(3) A veteran may have his or her eligibility arise under paragraph (b) of this section, and then lose eligibility under that paragraph, because a later review by an appropriate military authority revealed that the change, correction or modification was not in accordance with historically consistent, uniform standards and procedures. If such a veteran having been in receipt of educational assistance, reestablishes his or her eligibility through the Veterans Administration's determination that the veteran's discharge was under conditions other than dishonorable, no educational assistance shall be afforded later than:

(i) Ten years from the date of discharge or dismissal if the veteran's discharge would have been considered to have been under other than dishonorable conditions pursuant to § 3.12 of this chapter as that section was written and interpreted on the date he or she was discharged or dismissed.

(ii) Ten years from the first date of training for which the veteran received educational assistance if the veteran's discharge or dismissal would have been considered to have been under dishonorable conditions pursuant to § 3.12 of this chapter as that section was written on the date the veteran was discharged or dismissed, but is considered to have been under conditions other than dishonorable pursuant to § 3.12 of this chapter as that section was written after October 7, 1977. In no event, however, shall such a veteran receive educational assistance allowance after December 31, 1989. (38 U.S.C. 1662, 3103)

(f) *Discontinuance.* If the veteran is pursuing a course on the date of expiration of eligibility as determined under this section, the educational assistance allowance will be discontinued effective the day preceding the end of the 10-year period, or

December 31, 1989, whichever is the earlier. (38 U.S.C. 1662)

(g) *Periods excluded.* There shall be excluded in computing the 10-year period of eligibility for educational assistance under this section, any period during which the eligible veteran subsequent to his or her last discharge or release from active duty was captured and held as a prisoner of war by a foreign government or power plus any period immediately following the veteran's release from detention during which he or she was hospitalized at a military, civilian, or Veterans Administration medical facility, provided:

(1) The veteran served on or after February 1, 1955, and

(2) The veteran was eligible for educational assistance under the provisions of chapter 34 of chapter 36 of title 38, United States Code. (38 U.S.C. 1662)

Subpart D—Administration of Educational Benefits: 38 U.S.C. Chapters 34, 35 and 36

5. In § 21.4131, paragraph (g) is revised to read as follows:

§ 21.4131 Commencing dates.

* * * * *

(g) *Correction of military records* (§§ *21.1042(b), 21.3042(b)*). Where eligibility of a veteran arises as the result of correction or modification of military records under 10 U.S.C. 1552 or change, correction or modification of a discharge or dismissal pursuant to 10 U.S.C. 1553, or other competent military authority, the commencing date of educational assistance allowance which is otherwise payable will be in accordance with the facts found, but not earlier than the date the change, correction or modification was made by the service department. (38 U.S.C. 1662(b))

(38 U.S.C. 210(c))

[FR Doc. 80-1123 Filed 1-11-80; 8:45 am]

BILLING CODE 8320-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning; Notice of Additional Time for Public Comments at Workshops

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of additional time to receive comments from the public at workshops for review of NRC emergency planning regulations.

SUMMARY: The Nuclear Regulatory Commission proposed rule on emergency planning was published in the Federal Register on December 19, 1979 (44 FR 75167).

The holding of four regional worksops with appropriate State and local officials and utility representatives during the public comment period to discuss the feasibility of the various portions of proposed amendments, their impact, and the procedures proposed for complying with their provisions was noted in the Federal Register on December 21, 1979 (44 FR 75651). Additional time for public comments has been added for each of these workshops.

DATES: The workshops will be held from 8:30 a.m. to 6:00 p.m. with an additional public comment period from 8:00 p.m. to 11:00 p.m. on January 15, 17, 22, and 24 at the locations given below:

ADDRESSES:

January 15—Roosevelt Hotel, Madison & 45th Street, New York, NY

January 17—Bellevue Hotel, 505 Geary Street, San Francisco, CA

January 22—Ramada O'Hare Inn, 6600 N. Mannheim Road, Des Plaines, IL

January 24—Downtown Holiday Inn, 175 Peidmont, NE, Atlanta, GA

FOR FURTHER INFORMATION CONTACT: A. Morrongiello, Office of Standards Development, NRC, (301) 443-5966.

SUPPLEMENTAL INFORMATION: The Nuclear Regulatory Commission staff will provide additional time for comments and questions from members of the public at four regional workshops scheduled for this month.

The purpose of the workshops is to discuss with State and local officials and utility representatives the Commission's proposed regulations which would upgrade its requirements for emergency planning in areas near nuclear power plants—including a proposed requirement that the NRC concur in State and local plans as a condition of operation of the plants.

The agenda for the four workshops, published in the Federal Register on December 21, 1979, provided time at the end of both the morning and afternoon sessions of each of the four workshops for public comment and questions. However, in view of widespread interest, an additional evening session for the same purpose—from 8 p.m. to 11 p.m. local time—will be added to the agenda for each workshop.

Reports of the proceedings of these meetings will be filed in the NRC Public Document Room 1717, H St., NW., Washington, D.C.

Dated at Bethesda, Maryland, this 9th day of January 1980.

For the Nuclear Regulatory Commission

Robert B. Minoque,

Director, Office of Standards Development, U.S. Nuclear Regulatory Commission

[FR Doc. 80-1343 Filed 1-11-80; 11:02 am]

BILLING CODE 7590-01-M

Notices

Federal Register
Vol. 45, No. 9
Monday, January 14, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Assignment of Geographic Area to the Columbus Grain Inspection, Inc., Columbus, Ohio

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Columbus Grain Inspection, Inc., Columbus, Ohio, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: January 14, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The Columbus Grain Inspection, Inc. (the "Agency"), 2177 South James Road, Columbus, Ohio 43227, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on September 30, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the January 12, 1979, issue of the Federal Register (44 FR 2639). No comments were received. Accordingly, after due consideration of all relevant matters and information available to the United States Department of Agriculture, the geographic area assigned to this agency is as follows:

Bounded: on the North by U.S. Route 30 from U.S. Route 68 east to State Route 154; State Route 154 east to the Ohio-Pennsylvania State line;

Bounded: on the East and South by the Ohio-Pennsylvania State line south to the Ohio River; the Ohio River south-southwest to the western Scioto County line; and

Bounded: on the West by the western Scioto County line north to State Route 73; State Route 73 northwest to U.S. Route 22; U.S. Route 22 west to U.S. Route 68 north to the northern Clark County line; the Clark County line west to State Route 560; State Route 560 north to State Route 296; State Route 296 west to Interstate 75; Interstate 75 north to State Route 47; State Route 47 northeast to U.S. Route 68; U.S. Route 68 north to U.S. Route 30.

The above northern boundary has been restated for clarification purposes and does not alter the geographic area as originally proposed in any way.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Secs. 8, 9, Pub. L. 94–582, 90 Stat. 2870, 2875, (7 U.S.C. 79, 79a))

Done in Washington, D.C. on: January 8, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80–1108 Filed 1–11–80; 8:45 am]

BILLING CODE 3410–02–M

Assignment of Geographic Area to the Detroit Grain Inspection Service, Inc., Detroit, Mich.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Detroit Grain Inspection Service, Inc., Detroit, Michigan, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: January 14, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The Detroit Grain Inspection Service, Inc. (the "Agency"), 111 East Larned Street, Detroit, Michigan 48226, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on September 11, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the January 12, 1979, issue of the Federal Register (44 FR 2640). No comments were received. Accordingly, after due consideration of all relevant matters and information available to the United States Department of Agriculture, the geographic area assigned to this Agency is as follows:

Bounded: on the North by the northern Clinton County line from U.S. Route 27 east; the eastern Clinton County line south to Interstate 69; Interstate 69 northeast to the Shiawassee County line; the Shiawassee County line south; the northern Livingston County line; the northern Oakland County line east to Lapeer County; the western Lapeer County line north to State Route 24;

State Route 24 north to State Route 46; State Route 46 east to Lake Huron;

Bounded: on the East by the eastern Michigan State line south to State Route 50 at Monroe, Michigan;

Bounded: on the South by State Route 50 west-northwest to U.S. Route 127; and

Bounded: on the West by U.S. Route 127 north to U.S. Route 27; U.S. Route 27 north to the northern Clinton County line.

The above eastern boundary has been restated for clarification purposes and does not alter the geographic area as originally proposed in any way.

In addition, the following location which is outside of the foregoing contiguous geographic area and is to be serviced by the Agency shall be considered as part of the Agency's geographic area; St. Johns Coop., St. Johns, Michigan, in Clinton County. This has been restated to more accurately describe the location by listing the elevator site serviced rather than by general reference to the city, town, or area in which situated.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Secs. 8, 9, Pub. L. 94–582, 90 Stat. 2870, 2875, (7 U.S.C. 79, 79a))

Done in Washington, D.C. on: January 8, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80-1107 Filed 1-11-80; 8:45 am]

BILLING CODE 3410-02-M

Assignment of Geographic Area to the Lima Grain Inspection Service, Lima, Ohio

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Lima Grain Inspection Service, Lima, Ohio, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: January 14, 1980.

FOR FUTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agricutlure, Washington, D.C. 20250. (202) 447–8262.

SUPPLEMENTARY INFORMATION: The Lima Grain Inspection Service (the "Agency"), 2242 Arcadia Avenue, Lima, Ohio 45805, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on August 25, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the January 12, 1979, issue of the Federal Register (44 FR 2642). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agriculture, the geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

Bounded: on the North by the northern Defiance County line east; the eastern Defiance County line south to U.S. Route 24; U.S. Route 24 northeast to Napoleon, Ohio;

Bounded: on the East by State Route 108 from Napoleon, Ohio, south to Putnam County; and northern Putnam County line east; the eastern Putnam County line south; the eastern Allen County line south to Hardin County; the northern Hardin County line east to U.S. Route 68; U.S. Route 68 south to Bellefontaine, Ohio;

Bounded: on the South by U.S. Route 47 from Bellefontaine, Ohio, west-southwest to Sidney, Ohio; Interstate 75 south to the southern Shelby County line; the southern Shelby County line west; the western Shelby County line north; the southern Mercer County line west to the State line;

Bounded: on the West by the Ohio-Indiana State line north to the northern Defiance County line.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Secs. 8, 9, Pub. L. 94–582 90 Stat. 2870, 2875 (7 U.S.C. 79, 79a))

Done in Washington, D.C. on: January 8, 1980.

L.E. Bartelt,

Administrator.

[FR Doc. 80-1105 Filed 1-11-80; 8:45 am]

BILLING CODE 3410-02-M

Assignment of Geographic Area to the Fostoria Grain Inspection, Fostoria, Ohio

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Fostoria Grain Inspection, Fostoria, Ohio, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: January 14, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The Fostoria Grain Inspection (the "Agency"), 506 Lockwood Avenue, P.O. Box 864, Fostoria, Ohio 44830, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on October 25, 1978. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the January 12, 1979, issue of the Federal Register (44 FR 2640). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agriculture, the geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

Bounded: on the North by the Michigan-Ohio State line from the Williams-Fulton County line east to Lake Erie; the Lake Erie shoreline east to the Ottawa-Sandusky County line;

Bounded: on the East by the Ottawa-Sandusky County line west to State Route 590; State Route 590 south to Seneca County; the Seneca-Sandusky County line east to State Route 53; State Route 53 south to Wyandot County; the southern county line of Seneca County east to State Route 19; State Route 19 south to U.S. Route 30;

Bounded: on the South by U.S. Route 30 west to Allen County; and

Bounded: on the West by the western county line of Hancock County; west on the southern county line of Henry County to State Route 108; State Route 108 north to Napoleon, Ohio; U.S. Route 24 southwest to Defiance County; north on the eastern county line of Defiance County then west on the northern Defiance County line to Williams County; the eastern line of Williams County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-8525.

(Secs. 8, 9, Pub. L. 94-582, 90 Stat. 2870, 2875, (7 U.S.C. 79, 79a))

Done in Washington, D.C. on: January 8, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80-1106 Filed 1-11-80; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Caribou National Forest; Intent To Prepare Environmental Impact Statement

In the matter of Forest Land and Resource Management Plan, Caribou National Forest; Bannock, Bear Lake, Bonneville, Caribou, Franklin, Power, and Onedia Counties, Idaho, Box Elder and Cache Counties, Utah, and Lincoln County, Wyoming.

Pursuant to the National Environmental Policy Act of 1969 and the Forest and Rangeland Renewable Resource Planning Act of 1974, as amended by the National Forest Management Act of 1976, the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement for a Forest Land and Resource Management Plan for the Caribou National Forest.

The Forest Plan will be prepared according to regulations promulgated by the Secretary of Agriculture. The regulations will implement Section 6 of the National Forest Management Act of 1976.

The Forest Plan will replace all previous Plans and provide direction for all lands on the Caribou National Forest and the Cache National Forest lands in Idaho which are administered by the Caribou National Forest.

The Forest Plan will be coordinated with local, county, State, and other Federal agencies. Public involvement will be encouraged and sought throughout the planning process. A preliminary public issues and management concerns list compiled from existing information and public input will be made available to the general public and local, county, State, and other Federal agencies in the spring of 1980, for their evaluations, comments, and input. Opportunities to comment on the Forest Plan will be a part of each step of its development.

The Caribou National Forest will hold public resource workshops in malad, Pocatello, Soda Springs, and Montpelier, all in Idaho, during the spring or early summer of 1980. Specific dates, times, and locations for the workshops will be announced well in advance. The workshops will be designed to refine public issue, concerns, and opportunities, and to formulate preliminary alternatives.

Alternatives will be displayed in the Environmental Impact Statement and will include, at the minimum: (1) a no-action alternative (current management); (2) one or more alternatives which will result in eliminating all backlogs of needed treatment for the restoration of renewable resources; (3) an alternative which approximates the level of goods and services assigned to the Forest by the Regional Plan; and (4) one or more alternatives formulated to resolve the major public issues or concerns.

Vern Hamre, Regional Forester, Intermountain Region, is the responsible official. Questions about the proposed action and Environmental Impact Statement should be directed to Larry Call, Forest Planner, Caribou National Forest (phone 208-236-6744).

A Draft Environmental Impact Statement should be filed and available for public review by April 1981. The Final Environmental Impact Statement is scheduled to be completed by December 1981.

Written suggestions concerning this analysis should be sent to Charles J. Hendricks, Forest Supervisor, Caribou National Forest, Suite 294, Federal Building, Pocatello, Idaho 83201. To be of assistance they should be received by May 15, 1980.

Dated: December 31, 1979.

Vern Hamre,

Regional Forester.

[FR Doc. 80-1160 Filed 1-11-80; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Mate Creek Watershed, West Virginia

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone 304-559-7151.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice than an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Mate Creek

Watershed, Mingo County, West Virginia.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The project sponsors are not interested in implementing this plan. The sponsors have not acquired landrights for any of the planned structural measures.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone 304–599–7151. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 60 days after the date of this publication in this Federal Register (March 14, 1980).

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: January 3, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources.

[FR Doc. 80-1161 Filed 1-11-80; 8:45 am]

BILLING CODE 3410-16-M

Nutwood Watershed, Illinois; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Nutwood Watershed project, Greene and Jersey Counties, Illinois, effective on December 20, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 93–566, 16 U.S.C. 1001–1008)

Dated: January 3, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-1162 Filed 1-11-80; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Dockets 33363, 33155, 36156]

Former Large Irregular Air Service Investigation; Applications of San Diego National League Baseball Club, Inc.; Notice of Reassignment of Proceeding

This proceeding, insofar as it involves the applications of San Diego National Legue Baseball Club, Inc., Dockets 36155 and 36156, has been reassigned to Administrative Law Judge William A. Kane, Jr.

Dated at Washington, D.C., January 8, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-1150 Filed 1-11-80; 8:45 am]

BILLING CODE 6320-01-M

International Service Mail in the Atlantic, Pacific and Latin American Areas; Order Fixing Final Rates for the Period July 1, 1979 through December 31, 1979

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80–1–25, Fixing Final Mail Rates, Docket 26487.

SUMMARY: The Board is adopting an order fixing international service mail rates in the Atlantic, Pacific and Latin American areas for the period July 1, 1979 through December 31, 1979.

DATES: Adopted January 4, 1980.

FOR FURTHER INFORMATION CONTACT: James Gardner, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5389.

SUPPLEMENTARY INFORMATION: By Order 79–7–96, the Board directed all interested persons to show cause why it should not establish the international service mail rates purposed therein for the Atlantic, Pacific and Latin American service areas as the final rates for the period July 1, 1979, through December 31 1979.

Objections were filed which fall into three general categories: (1) procedures and methodology for updating fuel costs; (2) lawfulness of the underlying rate level and structure; and (3) technical corrections. The Board concluded there was no compelling reason to depart from its overall costs and rate structure methodology, or from the fuel methodology applied on Order 79–7–96. However, due to the volatility of fuel costs, we have determined that the rates should be updated quarterly rather than semi-annually. The appropriate technical corrections are incorporated.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board Procedural Regulations promulgated in 14 CFR, Part 302;

The fair and reasonable rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, to the carriers for the transportation of space available mail, military ordinary mail and all other mail over their respective routes in the Atlantic, Pacific, and Latin American rate areas, the facilities used and useful therefor, and the services connected therewith, are as follows:

(a) For calendar years 1977 and 1978, and the period, January 1 through June 30, 1979, those rates set forth in the attached revised Appendices A–1, A–2, and A–3 to Order 79–7–17;

(b) For the period July 1 through September 30, 1979, those rates set forth in the attached Appendix A–1; and

(c) For the period October 1 through December 31, 1979, those rates set forth in the attached Appendix A–2.

The terms and conditions applicable to the transportation of each class of mail at the rates established here are those set forth in Order 79–7–17.

The complete text of Order 80–1–25 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 80–1–25 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: January 4, 1980.

Phyllis T. Kaylor,

Secretary.

Appendix A-1.—*International Service Mail Rates*

[July 1, 1979 Through Sept. 30, 1979]

	Calendar Year 1975 rates[1] (cents)	Escalation factors[2] (percent)	Final rates 7/1/79 through 9/30/79 (cents)
Atlantic Rate Area			
Linehaul charge per billing ton-mile:			
Prionty and military ordinary mail	20.22	47.00	29.72
Space available mail	12.96		19.05
Terminal charge per pound originated:			
Prionty and military ordinary mail	11.39	79.18	20.41
Space available mail	10.27		18.40
Pacific Rate Area			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	21.88	68.00	36.76
Space available mail	13.49		22.66
Terminal charge per pound originated:			
Priority and military ordinary mail	13.39	51.44	20.28
Space available mail	11.59		17.55
Latin America Rate Area			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	21.35	40.75	30.05
Space available mail	16.44		23.14
Terminal charge per pound originated;			
Priority and military ordinary mail	9.83	2.35	10.06
Space available mail	9.10		9.31

[1] Order 79-7-17, Appendices D-1, D-2 and D-3, as amended by this order.
[2] Appendices B-1, B-2 and B-3.

Appendix A-2.—*International Service Mail Rates.—October 1, 1979 Through Dec. 31, 1979*

	Calendar Year 1975 rates[1] (cents)	Escalation factors[2] (percent)	Final rates 7/1/79 through 12/31/79 (cents)
Atlantic Rate Area			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	20.22	57.27	31.80
Space available mail	12.96		20.38
Terminal charge per pound originated:			
Priority and military ordinary mail	11.39	79.18	20.41
Space available mail	10.27		18.40
Pacific Rate Area			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	21.88	75.23	38.34
Space available mail	13.49		23.64
Terminal charge per pound originated:			
Priority and military ordinary mail	13.39	51.44	20.28

Appendix A-2.—*International Service Mail Rates.—October 1, 1979 Through Dec. 31, 1979*—Continued

	Calendar Year 1975 rates[1] (cents)	Escalation factors[2] (percent)	Final rates 7/1/79 through 12/31/79 (cents)
Space available mail	11.59		17.55
Latin America Rate Area			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	21.35	52.34	32.52
Space available mail	16.44		25.04
Terminal charge per pound originated:			
Priority and military ordinary mail	9.83	2.35	10.06
Space avialable mail	9.10		9.31

[1] Order 79-7-17, Appendices D-1, D-2 and D-3, as amended by this order.
[2] Appendices B-1, B-2 and B-3.

[FR Doc. 80-1154 Filed 1-11-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-1-26; Docket 37392]

Transatlantic, Transpacific and Latin American Service Mail Rates Investigation; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of January, 1980.

By Order 78-12-159, the Board adopted a review procedure and updating formula for establishing final international service mail rates for future periods on a semi-annual basis. The procedure was further modified by Orders 79-7-17, 79-7-96, and 80-1-25. The present order to show cause reflects all revisions adopted by the Board and proposes tentative final rates for the first three months of 1980.

The tentative final service mail rates set forth in the attached Appendix A reflect the application of the following cost escalation factors:

1. Fuel cost: The change in average price per gallon over the last four months (June to October) is added to the October 1979 average price per gallon to arrive at the projected average price per gallon at February 15, 1980, the midpoint of the quarter for which the rates are to be effective; and

2. Other costs: Cost escalation from March 31, 1979, to March 31, 1980, is based on a comparison of unit costs for the year ended September 30, 1978, with unit costs for the year ended September 30, 1979.

These rates represent an increase over the final service mail rates established for the last three months of 1979 of approximately 13.8 percent for transatlantic rates, 12.2 percent for transpacific rates and 28.5 percent for Latin American rates. The major cause for the increases is a continued increase in fuel prices.

The Board tentatively finds and concludes that:

1. The fair and reasonable rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, for the period January 1 through March 31, 1980, to the carriers for the transportation by aircraft of space available mail, military ordinary mail and all other mail, the facilities used and useful therefor, and the services connected therewith, for the Atlantic, Pacific and Latin American rate areas,[1] are those set forth in the attached Appendix A.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302,

1. We direct all interested persons to show cause why the Board should not adopt the foregoing tentative findings and conclusions, and fix, determine and publish the final rates specified above to be effective January 1 through March 31, 1980.

2. We direct all interested persons having objections to the rates or to the tentative findings and conclusions proposed here to file with the Board a notice of objection within ten (10) days after the date of service or this order, and, if notice is filed, to file a written answer and any supporting documents within 30 days after service of this order.

3. If no notice is filed, or, if after notice, no answer is filed within the designated time, or if an answer timely filed raises no material issue of fact, we will deem all further procedural steps waived and we may enter an order incorporating the tentative findings and conclusions set forth here and fixing the final rates set forth in the attached Appendix A.

4. We shall serve this order upon all parties to the proceeding in Docket 26487.

We shall publish this order in the Federal Register.

[1] The Atlantic, Pacific and Latin American rate areas are delineated in Attachments 1, 2, and 3, respectively, to Order 79-7-17.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,[2]
Secretary.

Appendix A.—*International Service Mail Rates*

[Jan. 1, 1980 through Mar. 31, 1980]

	Calendar year 1975 rates[1] (cents)	Escalation factors[2] (percent)	Final rates 1/1/80 through 3/31/80 (cents)
Atlantic Rate Area			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	20.22	72.70	34.92
Space available mail	12.96		22.38
Terminal charge per pound originated:			
Priority and military ordinary mail	11.39	74.81	19.91
Space available mail	10.27		17.95
Pacific Rate Area			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	21.88	69.01	36.98
Space available mail	13.49		22.80
Terminal charge per pound originated:			
Priority and military ordinary mail	13.39	55.86	20.87
Space available mail	11.59		18.06
Latin America Rate Area			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	21.35	75.12	37.39
Space available mail	16.44		28.79
Terminal charge per pound originated:			
Priority and military ordinary mail	9.83	32.28	13.00
Space available mail	9.10		12.04

[1] Order 79-12.
[2] Appendices B-1, B-2 and B-3.

[FR Doc. 80-1155 Filed 1-11-80; 8:45 am]
BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Arizona Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California Advisory Committee (SAC) of the Commission will convene at 10:00 and will end at 2:00 p.m., on February 2, 1980, at The Adams Hotel, 101 Central Avenue, Room 538, Phoenix, Arizona 85001.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, California 90012.

[2] All members concurred.

The purpose of this meeting is the Arizona State Advisory Committee briefing on Commission Domestic Violence Hearing.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 9, 1980.
Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-1170 Filed 1-11-80; 8:45 am]
BILLING CODE 6335-01-M

Illinois Advisory Committee; Meeting Rescheduled

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) of the Commission originally scheduled for January 21, 1980, at Chicago, Illinois, (FR Doc. 79-39397 on page 76569) has been changed.

This meeting will be held on January 28, 1980. The time and place will remain the same.

Dated at Washington, D.C., January 7, 1980.
Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-1168 Filed 1-11-80; 8:45 am]
BILLING CODE 6335-01-M

Missouri Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Missouri Advisory Committee (SAC) of the Commission will convene 10:00 a.m. and will end at 2:00 p.m., on February 8, 1980, at the New Federal Building, 1520 Market Street, Room 3720, St. Louis, Missouri 63103.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, 911 Walnut Street, Room 3103, Kansas City, Missouri 64106.

The purpose of this meeting is to review report of the Regional Planning Conference; and develop program plans for FY 1980.

This meeting will be conducted purusant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 9, 1980.
Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-1169 Filed 1-11-80; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Consolidated Decision on Applications for Duty-Free Entry of Excimer Lasers

The following is a consolidated decision on applications for duty-free entry of Excimer Lasers pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. at 666-11th Street, N.W. (Room 735), Washington, D.C.

Docket No.: 79-00397. Applicant: University of Pennsylvania, Regional Laser Laboratories, Department of Chem., 33rd and Spruce Streets, Philadelphia, PA 19104. Article: EMG 500 Excimer Laser. Maufacturer: Lambda-Physik, West Germany. Intended use of article: The article is intended to be used for studies of the properties of the excited state of organic molecules, particularly simple compounds absorbing in the far ultraviolet. Kinetics and excited state cross sections, as well as decay pathways will be examined. The article will also be used in futhering the independent research of graduate students at the University. Application received by Commissioner of Customs: August 17, 1979. Advice submitted by the National Bureau of Standards: November 28, 1979. Article ordered: July 12, 1979.

Docket No.: 79-00399. Applicant: University of Colorado, Joint Institute for Laboratory Astrophysics, B131, Boulder, Colorado 80309. Article: Lambda Physik, Model EMG 101 Excimer Laser and Accessories. Maufacturer: Lambda-Physik, West Germany. Intended use of article: The article is intended to be used to produce large quantities of free radicals by molecular dissociation for the study of the reaction chemistry, spectroscopy and energy transfer of the free radicals. Infrared emission spectroscopy is used to detect the radicals, along with double resonance probe techniques. The systems to be studied are relevant to combustion process, chain reaction chemistry, and atmospheric process. Two postdoctoral students and one graduate student will use the article for their research and will learn fundamental techniques of laser

applications in chemical and physical research while using it. Application received by Commissioner of Customs: August 20, 1979. Advice submitted by the National Bureau of Standards: November 26, 1979. Article ordered: June 28, 1979.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article provides the highest possible output (pulse energy) power and a high repetition rate. The National Bureau of Standards advises in its respectively cited memoranda that the capabilities cited above are pertinent to the purposes for which each of the foreign articles is intended to be used. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing application relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing application relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 80-1125 Filed 1-11-80; 8:45 am]

BILLING CODE 3510-25-M

University of Pennsylvania, et al., Notice of Applications

For Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

Regulations (15 CFR 301.9) issued under the cited Act prescribed the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 735 at 666-11th Street, N.W., Washington, D.C.

Docket No. 80-00017. Applicant: University of Pennslyvania, Physics Department, 209 South 33rd Street, Philadelphia, Pa., 19104. Article: Rohaglas 1022 and Rohaglas 2003 Scintillators. Manufacturer: Roehm GmbH Chemische Fabrik, West Germany. Intended use of article: The article is intended to be used as part of a scientific instrument and apparatus known as a Total Absorption Galorimetric Detector for High Energy Physics research, specifically the study of the structure of high PT hadronic interactions. The experiments to be conducted will involve: the study of do/dt', the study of quark-gluon separation, structure function information, multi-jet events, Pt dependence of jets, jet production in heavy nuclei, and study of the internal structure of jets. Application Recived by Commissioner of Customs: December 17, 1979.

Docket No. 80-00053. Applicant: Unviersity of Southern Mississippi, Southern Station, Box 5165, Hattiesburg, MS 39401. Article: NMR Spectrometer, Model FX-909 and Accessories. Manufacturer: JEOL, Ltd., Japan. Intended Use of Article: The article is intended to be used for the following research projects:

(1) Spectral density functions, making use of T_1-rho capability

(2) Lipid chain dynamics

(3) Dynamics of oxyanions in aqueous solution, making use of greater storage auto-stacking and T_1-rho capabilities

(4) Hydrocarbon chain motion in binary mesophase systems,

(5) Structures of graft copolymers and model compounds, making use of high resolution.

(6) Studies of the mechanisms of autoxidation of vegetable of oils.

(7) Studies of the chain dynamics of polyacrylamides.

(8) Studies of polymer chain dynamics in solutions at low temperatures. The article will also be used for teaching in all of the research described above. Application Received by Commissioner of Customs: December 3, 1979.

Docket No. 80-00055. Applicant: University of Nebraska-Lincoln, Midwest Center for Mass Spectrometry, Department of Chemistry, Lincoln, NE 68588. Article: MS 50 Triple Analyzer Mass Spectrometer and Accessories. Manufacturer: Kratos Scientific Instruments, Inc., United Kingdom. Intended Use of Article: The article is intended to be used for conducting the following experiments:

(1) Complex mixture analysis using ion selected mass spectrometry,

(2) Fundamental studies of gas phase ions,

(3) structure proofs of new compounds,

(4) Studies of pyrolysis and

(5) High resolution metastable and collisional activation studies.

Application Received by Commissioner of Customs: December 3, 1979.

Docket No. 80-00057. Applicant: Southern Illinois University-Edwardsville, Edwardsville, Illinois 62026. Article: NMR Spectrometer, Model FX-60Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended Use of Article: The article is intended to be used for research projects which involve the determination of nmr spectra of bydrogen, carbon-13, and fluorine and nitrogron-15 nuclei. the compounds used for these studies include those used in physical, analytical, medicinal chemistry, and environmental chemistry. Titles of the research projects which this article will be used include the following:

1. Inorganic and Bioinorganic Binding Mechanisms.

2. Separation Methods.

3. MMR in Analysis of Drugs.

4. Structural Synethetic Medicinal Chemistry of Fluorine containing compounds.

5. Structure and Chemistry of Platinum Containing Anti-tumor Agents.

6. Rearrangements of Photosensitive organic Molecules.

7. NMR studies of Pharmaceutical Compounds.

8. The Chemistry of Chymotrysin.

9. Chemcial characteristics of cyanide containing waste water. Experiments conducted will provide structural information about the materials under study and will help to elucidate the chemical environmental of these compounds. The article will also be used to teach undergraduate and gradute students various analytical techniques in the determination of moliecular structures and chemical identification of compounds in a course entitled "instrumental Mehtods of Analysis."

Application Received by Commissioner of Customs: December 4, 1979.

Docket No. 80-00059. Applicant: University of Denver, Department of Chemistry (Colorado Seminary), Denver, Colorado 80208. Article: Spectropolarimeter with Stopped Flow Accessory. Manufacturer: JASCO, Ltd., Japan. Intended Use of Article: The article is intended to be used to obtain circular dichroism spectra of proteins and nucleic acids in different conformations in the course Biochemistry Laboratory, Purification and Properties of Enzymes and Nucleic Acids. Application Received by Commissioner of Customs: December 4, 1979.

Docket No. 80-00060. Applicant: Institute for Cancer Research, Fox Chase Cancer Center, 7701 Burholme Avenue, Fox Chase, Phila., Pa. 19111. Article: Electron Microscope, Model EM 400 and Accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended Use of Article: The article is intended to be used to study a variety of biological objects: structural arrangements of intact viruses and the self-assembly products of the constituent molecules; protein-lipid, and protein-nucleic acid interactions; capsid proteins of viruses and their interaction with cell membranes during infection. Virus capsids and membrane sites with receptor activities will be studied under well-controlled conditions to separate each step of viral contact and the cell's response. Application Received by Commissioner of Customs: December 4, 1979.

Docket No. 80-00063. Applicant: State University of New York at Binghamton, Department of Chemistry, Vestal Parkway East, Binghamton, New York 13901. Article: K-261-2 Breadboard Model Rare Gas Halide Laser. Manufacturer: Lumonics Research Limited, Canada. Intended Use of Article: The article is intended to be used in connection with the development of a power supply and gas handling system in a laser lab to complete the laser which will serve to study materials know to photodissociate. Materials such as hemoglobin, dioxetane and diazomethane derivatives will be studied with the laser either as a nitrogen laser or as an excimer laser. The experiments to be conducted will consist of photolyzing crystals containing the chemicals above at low temperatures with the laser and examining the changes in magnetic properties that accompany the photochemical dissociation. In addition, the article will be used in the undergraduate courses: Independent Study and graduate courses called Thesis Research, Predissertation Research or Dissertation Research. Application Received by Commissioner of Customs: December 4, 1979.

Docket No. 80-00064. Applicant: Harvard University, 12 Oxford Street, Cambridge, Massachusetts 02138. Article: Laser, Model K-261-2. Manufacturer: Lumonics Corporation, Canada. Intended Use of Article: The article is intended to be used for the investigation of the dynamics of excited states in small organic molecules using various techniques of laser spectroscopy. The systems under study are polyenes, olefins and aliphatic azo compounds. They display nonradiative photochemical processes typical for nonrigid systems. The objective of this research is threefold: (1) to monitor and establish all energy relaxation pathways from low lying excited states, (2) to obtain kinetic and structural information about the intermediates involved in such simple photochemical reactions as cis-trans isomerization, (3) to elucidate the effect of the environment on reaction mechanisms. In addition, the article will be used for education purposes in the course Chem 98—Research. Application Received by Commissioner of Customs: December 4, 1979.

Docket No. 80-00065. Applicant: The University of Iowa, Department of Chemistry, Iowa City, Iowa 52242. Article: MMR Spectrometer, JNM/FX-90Q and accessories. Manufacturer: JEOL Ltd., Japan. Intended Use of Article: The article is intended to be used for the following research activities:

1. Fluorocarbon Chemistry—preparation of fluoroolefins via ylide or ylide-carbene reactions.

2. Metabolism of Amino Acids in Mammalian Systems—elucidation of reaction pathways and stereochemistry of products formed by enzymes which catalyze the transformation of amino acids in mammalian systems.

3. NMR of Porphyrins and Metalloporphyrins—research directed toward synthesis and physical investigations of metalloporphyrin complexes.

4. Nucleic Acid Chemistry.

Electrochemical Functionalization of Polyfluoroalkanes—study of the possibility of converting fluorinated alkanes by electrochemical means into carboxylic acids, sulfinic acids and ketones.

6. Natural Products Chemistry.

In addition, the article will be used in the advanced undergraduate and beginning graduate level courses: Intermediate Laboratory II, Advanced Chemistry Laboratory II, and Introduction to Organic Research. Application Received by Commissioner of Customs: December 12, 1979.

Docket No. 80-00067. Applicant: University of Washington, Department of Zoology NJ-15, 24 Kincaid Hall, P.O. #602290. Seattle, Washington 98195. Article: Micromanipulator, SM-20 and Accessories. Manufacturer: Narishige Scientific Instrument Laboratory, Japan. Intended Use of Article: The article is intended to be used for studies of identified neurons of the marine invertebrates: *Aplysia californica* and *Panulirus interruptus*. The objective of this study is to describe the properties of graded synaptic transmission in two invertebrate nervous systems with serial synapses; the properties of graded synaptic transmission will be compared to those of spiked-evoked, chemical and electrical synaptic transmission. This research will be conducted in the course Zoology 800. Doctoral research. Application Received by Commissioner of Customs: December 12, 1979.

Docket No. 80-00068. Applicant: University of Alabama in Birmingham, University of Alabama Medical Center, Pathology Department, Lyons-Harrison Research Building, 619 South 19th Street, Birmingham, Alabama 35233. Article: Ultramicrotome, Model LKB 2128-010 and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of Article: The article is intended to be used to section normal brain samples and capillaries prepared from private brain which have been embedded in plastic resins (SPURR). Investigations will include ultrastructural studies on normal and pathological brain tissues, to include: (a) definition of electron microscopic features of white matter after variable periods of regional ischemia; (b) definition of electron microscopic features of spinal cord following subarachnoid injection of either 6-aminonicotinamide or batrachotoxin; (c) evaluation of the permeability of brain capillaries to horseradish peroxidase following variable intervals of regional cerebral ischemia; (d) evaluation of ultrastructural make-up of brain capillaries during the healing stage of cerebral infarction; (e) determining by structural methods the existence and features of endothelial tubules (or channels) that transfer proteins from the vascular to the parenchymal compartments; (f) determine the ultrastructural nature of brain parenchymal changes, following arterial air embolism; and (g) correlate degree and type of ultrastructual injury with

changes in regional cerebral blood flow and alternations in amino acid metabolism. Application Received by Commissioner of Customs: December 12, 1979.

Docket No. 80-00069. Applicant: U.S. Department of Commerce, National Bureau of Standards, Washington, D.C. 20234. Article: Electron Energy Loss Spectrometer Component, Type 107. Manufacturer: Kernforschungsanlage, Julich GMBH, West Germany. Intended Use of Article: The article is intended to be used to study the vibrational properties of chemisorbed layers on single crystal surfaces to determine the structure of the chemisorbed species. Electron energy losses will be measured. Application Received by Commissioner of Customs: December 12, 1979.

Docket No. 80-00070. Applicant: The Rockfeller University, 1230 York Avenue, New York, New York 10021. Article: Electron Microscope, Model JEM 100CX. Manufacturer: Jeol Ltd., Japan. Intended Use of Article: The article is intended to be used to examine cells, tissues, and subcellular preparations, fixed, embedded, and sectioned; carbon replicas made from cellular membranes frozen and fractured; DNA and RNA molecules cast on protein films; and proteins visualized by negative staining techniques. The experiments to be conducted will include:

1. Study of the organization and function of flagella.

2. Study of the cellular nucleus and its envelope, determining how various extractive conditions alter the structure, and correlating the components removed with the structural deletion obtained.

3. Studying messenger RNA's.

4. Studying the function substructures of the cellular membrane. Application Received by Commissioner of Customs: December 12, 1979.

Docket No. 80-00071. Applicant: Buffalo Children's Hospital, 219 Bryant Street, Buffalo, New York 14222. Article: Electron Microscope, Model JEM 100S. Manufacturer: Jeol Ltd., Japan. Intended Use of Article: The article is intended to be used for the following:

(1) Diagnose rapidly viral diseases of newborns and infants by visualizing viral particles in various body secretions.

(2) Examination of human tissues obtained by surgical biopsy and autopsy.

(3) Examination at the cellular level the changes which might explain the cause of death in sudden infant death syndrome (SIDS).

(4) Examination of the relationship of viruses to the development of asthma and other forms of chronic lung disease in childhood. The article will also be used as an invaluable tool for inservice training programs for the house staff nurses and fellows.

Application Received by Commissioner of Customs: December 12, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director Statutory Import Programs Staff.

[FR Doc. 80-1124 Filed 1-11-80; 8:45 am]

BILLING CODE 3510-25-M

Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee will be held on Friday, February 1, 1980, at 9:30 a.m. in Room B841 Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Microcircuit Subcommittee was established on December 28, 1977. On February 9, 1979, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Microcircuit Subcommittee was formed to study microcircuit and acoustic wave devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security. The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the Federal Register on December 21, 1978 (43 FR 59537).

For further information contact Mrs. Margaret Cornejo, Office of Export Administration, International Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

Dated: January 9, 1980.

Kent Knowles,

Office of Export Administration, International Trade Administration, Department of Commerce.

[FR Doc. 80-1183 Filed 1-11-80; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee; Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Semiconductor Manufacturing Materials

and Equipment Subcommittee of the Semiconductor Technical Advisory Committee will be held on Friday, February 1, 1980, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Assistant Secretary for Industry and Trade established the Semiconductor Manufacturing Materials and Equipment Subcommittee on February 9, 1979, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and the formulation of recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

The Subcommittee meeting agenda has four parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of the work program for 1980 and assignment of projects.

Executive Session

4. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4) the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the semiconductor Technical Advisory Committee and of any subcommittee thereof was published in the Federal Register on December 21, 1978 (43 FR 59537).

Copies of the minutes of the open portion of the meeting can be obtained by calling Mrs. Margaret Cornejo, Room 1617M, Office of Export Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: January 9, 1980.

Kent Knowles,

Director, Office of Export Administration, International Trade Administration, Department of Commerce.

[FR Doc. 80-1209 Filed 1-11-80; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Thursday, January 31, 1980, at 9:30 a.m. in Room B841, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administraiton Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilizaiton of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda had four parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Committee and subcommittee planning for 1980-81.

Executive Session

4. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be presented at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the

Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register on December 21, 1978 (43 FR 59537).

Copies of the minutes of the open portion of the meeting can be obtained by calling Mrs. Margaret Cornejo, Office of Export Administration, International Trade Administration Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: January 9, 1980.

Kent Knowles,

Director, Office of Export Administration, International Trade Administration, Department of Commerce.

[FR Doc. 80-1208 Filed 1-11-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Washington State Coastal Zone Management

Notice in hereby given that the Office of Coastal Zone Management, NOAA, has approved Amendment number 1 to the State of Washington Coastal Zone Management Program (WCZMP) effective December 31, 1979. The amendment calls for deletion of the "Evans Policy Statement" from the WCZMP. The Office of Coastal Zone Management (OCZM) issued a Final Environmental Impact Statement (FEIS) on the amendment request November 30, 1979. The FEIS concluded that the Evans Policy Statement, which was a policy statement in the WCZMP, had no legally enforceable status under State or Federal law and OCZM's approval of its deletion from the Program would thus result in no significant impacts on the quality of the human environment. In addition, the FEIS made it clear that while OCZM believes existing State and Federal laws and regulations adequately protect Puget Sound, OCZM's decisions to approve the amendment request is based on the Evans Policy Statement's lack of enforceability and does not represent an OCZM judgment with regard to Washington State policy on selection of an oil port site or the advisability of a pipeline "hook-up."

The Evans Policy Statement had held State policy to be that:

(a) Washington supports the policy of a single, major oil transshipment facility at or west of Port Angeles; and

(b) The transshipment facility shall privide a "hook-up" to supply existing oil refineries in Washington's Whatcom and Skagit Counties with crude oil, thus precluding expansion of the existing Puget Sound oil off-loading facilities.

Comments received by OCZM on its Draft Final Environmental Impact Statements prepared on the amendment request indicated that some parties mistakenly believed that OCZM's action on the request could influence decision-makers considering the Northern Tier Pipeline proposal. As discussed in the FEIS (Part Four, Section C), OCZMs action on this matter should not have any effect on future government decisions. In particular, OCZM's decision to approve the State-requested deletion should not affect selection of a Washington oil transshipment site.

Following the close of the thirty-day review period on the FEIS, the Assistant Administrator for Coastal Zone Management, on December 31, 1979, signed a set of Findings that documented the manner in which the amendment request met the requirements of the Coastal Zone Management Act, as amended, and its implementing regulations. Those Findigs provide OCZM's response to comments received on the FEIS and constitute OCZM's formal approval of the amendment. Interested parties may obtain copies of the Assistant Administrator's Findings by contacting:

Eileen Mulaney, Pacific Regional Manager, Office of Coastal Zone Management, NOAA, Page Building #1, 3300 Whitehaven Street, NW, Washington, D.C. 20235, (202) 254–7100.

Dated: January 8, 1980.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 80-1093 Filed 1-11-80; 8:45 am]

BILLING CODE 3510-08-M

National Telecommunications and Information Administration

Grant Appeals Board of the Public Telecommunications Facilities Program; Open Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: By this notice we announce the forthcoming meeting of the Grant Appeals Board of the Public Telecommunications Facilities Program (PTFP).

PURPOSE: To consider the petition of The Washington Ear, Inc. seeking reconsideration of an action of the PTFP staff denying The Washington Ear's application for a grant under the Public Telecommunications Financing Act of 1978, Pub. L. 95–567, 92 Stat. 2405, 47 U.S.C. § 390, *et seq.*

TIME: January 31, 1980 at 1:30 p.m.

PLACE: National Telecommunications and Information Administration, 1800 G Street, N.W., Room 765, Washington, D.C. 20504.

COMMENTS: Interested parties are encouraged to submit comments on the petition for reconsideration of The Washington Ear, Inc. (Appendix A). For the convenience of such parties we have attached a copy of a letter, dated December 7, 1979, setting forth the opinion of the Office of Chief Counsel as to the eligibility of The Washington Ear, Inc. (Appendix B). An original and seven copies of any comments should be filed on or before January 24, 1980 with: Office of Chief Counsel, NTIA/DOC, 1800 G Street, N.W., Room 703, Washington, D.C. 20504. A certificate of service must be attached to the comments reflecting that a copy of the comments has been served on: Margaret W. Rockwell, President & Director, The Washington Ear, Inc., 35 University Blvd., East, Silver Spring, Maryland 20901.

Additional information may be obtained from Robert Hunter, National Telecommunications and Information Administration, Office of Chief Counsel, 1800 G Street, N.W., Room 703, Washington, D.C. 20504. Telephone (202) 377–1866.

Gregg P. Skall,

Chief Counsel.

December 21, 1979.
Dr. John L. Cameron,
Director, United States Department of Commerce, National Telecommunications and Information Administration, Public Telecommunications Facilities, Division #296, 1329 G Street, NW, Washington, D.C.

Dear Dr. Cameron: Last June The Washington Ear, Inc., a closed circuit radio reading service for the blind and handicapped of greater Washington, D.C., asked for $29,220.00 from the Federal government to be used for the improvement of our facilities in our Control Room and studios. At the time we applied for assistance we were, and still are, convinced that we do meet the eligibility requirement under PL 95-567 and the ensuing regulations which are an outgrowth of this law.

On October 11th we received your letter informing us, that we were not considered to be eligible for funds to improve facilities. We were extremely disappointed to learn of this ruling since our need for help is acute, and at that time I spoke with you and others on your staff by telephone as well as to Mr. C. Stanley Potter, the Founder and President of The Association of Radio Reading Service. On October 25th and October 26th Mr. Potter and I wrote to Mr. Henry Geller, Administrator and yourself respectively, stating why we believe that radio reading services such as Washington Ear should have been eligible for this type of help.

Recently I received a letter dated December 7th from Mr. Gregg Skall, Chief Counsel, which outlined the positions concerning the legality of granting our request. In the final paragraphs of this letter and through a telephone conversation I had with Mr. Robert Hunter I learned that we had a right to request a waiver of this eligibility requirement under 2301.33 providing this was done within thirty days of the receipt of the letter denying us funding.[1]

Unfortunately, it was not possible for us to meet this thirty day requirement since we were unaware of its existence until we received Mr. Skall's letter. Perhaps we would have carried out more independent research into this matter at the time we received denial of funding, but at this time we were in the midst of a move and a major construction project, and I was in the hospital undergoing spinal surgery.

I hope that under these circumstances you will be willing to extend this thirty day period and accept this letter as a formal request to take the matter of our eligibility for funds to improve facilities up with your Grant's Appeals Board. We are asking for this consideration for the same reasons already stated in my letter of October 25th cited earlier in this letter.

We are also submitting under separate cover a new application in two parts, the first being concerned with money for the pre-tuned receivers which definitely can be considered for funding under the law, and the second part again requesting help for the improvement of our facilities, an appeal which apparently falls within a gray area where eligibility is concerned. I have done this because I feel it is advisable to bring up the issue of our eligibility to both the Grant's Appeals Board and in the form of a new application request.

We very much appreciate the time you and your staff have already devoted to this matter and we hope that it will be possible to work out a satisfactory solution not only for Washington Ear, but for other Radio Reading Services as well. Incidentally, we are aware that it is technically possible to ask WETA, our main carrier, to apply for funds for the improvement of Washington Ear facilities on our behalf, but for reasons too complex to discuss in this letter that would not be a practical approach for us. We also have good reason to suspect that this is also the case for most of the other Radio Reading Services for the blind and handicapped.

If you or your staff should have any questions please do not hesitate to contact me at any time. Thank you again for your time and attention.

Very sincerely yours,
Margaret W. Rockwell, Ed. D.
President and Chief Executive Officer.

Appendix B

Margaret W. Rockwell,
President & Director, The Washington Ear, Inc., 35 University Blvd., East, Silver Spring, MD.

Dear Ms. Rockwell: Your letter of October 29, 1979 and a letter from Mr. C. Stanley Potter, President, Association of Radio Reading Services, Inc. have been referred to me for a response. Since your letter and the letter from Mr. Potter both raise the question of the eligibility of radio reading services for grants to improve their facilities under our Public Telecommunications Facilities Program [PTFP], I will forward a copy of this response to him.

At the outset I must make it clear to you and to Mr. Potter that organizations desiring to initiate or expand SCA reading services, such as those offered by The Washington Ear, *are eligible* for grants from the National Telecommunications and Information Administration [NTIA] under the Public Telecommunications Financing Act of 1978 [PTFA].[1] Although the paramount priority of the PTFA and of the PTFP is the provision of public telecommunications services to totally unserved geographical areas, another major goal of the PTFA is the extension of significantly different public telecommunications services to unserved or underserved audiences without regard to geographical considerations.[2] Consequently, we have established several priorities to govern our awarding of grants to public telecommunications entities to implement this goal of the PTFA. In the second priority of the PTFP we specifically stated that "[e]ligible projects [to provide significantly different additional services] include—service to the blind or deaf—." [3]

Thus, we do consider organizations such as The Washington Ear eligible for consideration as public telecommunications entities within the meaning of Sections 390(1), 393(b)(1), 393(b)(2), and 397(12) of the PTFA,[4] and *eligible for planning or construction grants to provide initial or complementary services* to unserved or underserved people.

In order to obtain grants for the *improvement* of existing facilities, however, an entity must qualify under Section 393(b)(4) of the PTFA, which provides for: "[T]he improvement of the capabilities of *existing public broadcast stations* to provide public telecommunications services." (Emphasis added.) Therefore, although The Washington Ear and the SCA reading services represented by Mr. Potter may be or become public telecommunications entities within the meaning of the PTFA and the PTFP rules, those entities are not eligible for improvement grants under Section 393(b)(4) of the PTFA, unless they also qualify as existing public broadcast stations or organizations composed of existing stations.[5] A review of the legislative history suggests that Congress was well aware of this distinction and made a conscious decision to limit improvement or enhancement funds to public broadcasting stations. *See* Senate Report at page 7. The decision to read the phrase "existing public broadcast station[s]" to include organizations comprised of stations as being eligible for improvement grants under Section 393(b)(4) is, we believe, a liberal and remedial reading of the statute. It also represents what we believe to be the outermost scope of our authority to

[1] NTIA has assumed that the "right" to which Ms. Rockwell refers in her letter is the right of any applicant to file a petition for reconsideration of an adverse agency action. The requirement to be waived in this case would be the requirement of Section 2301.33 that petitions for reconsideration be filed with the Administrator within 30 days of the receipt of notice of the action.

[1] Pub. L. 95-567, 92 Stat. 2405, 47 U.S.C. § 390, *et seq.*

[2] *Public Telecommunications Facilities Program: Report and Order*, 44 Fed. Reg. 30898, 30905 (May 29, 1979) [*Report and Order*].

[3] *Id.* at 30921. It must be noted, however, that although the handicapped may constitute an unserved or underserved audience in many places throughout the country, they do *not* qualify as minorities for special consideration under the PTFA. Prior to enactment, Congress considered and specifically rejected an amendment that would have included the handicapped with minorities and women for the special purposes described in the Act. *See* Senate debate, 146 Cong. Rec. S15454 (September 19, 1979). [Attached as Appendix A.] Moreover, the Senate Report on the Act specifically defined minorities to include only Blacks, Hispanics, Asians, Pacific Islanders and Native Americans. *See* Senate Report on the Public Telecommunications Financing Act of 1978, at page 1 (May 15, 1978). [Attached as Appendix B.]

[4] Section 397(12) provides that: The term 'public telecommunications entity' means any enterprise which—

(A) is a public broadcast station or a noncommercial telecommunications entity; and

(B) disseminates public telecommunications services to the public.

See also Sections 397(7) and 397(14).

[5] Section 397(6) states that: The terms 'noncommercial educational broadcast station' and 'public broadcast station' mean a television or radio broadcast station . . . .

interpret this provision. Thus, NTIA concluded in its September 25, 1979 letter to Mr. Kim Spencer of Urban Scientific & Educational Research, Inc. that:

[A]pplicants which are centers for the production of public television and radio programming and related instructional and informational programming, but which are not in themselves existing stations or organizations comprised of existing stations, are ineligible for enhancement grants.

Although we are very sensitive to your situation and your need to improve and replace equipment, Section 393(b)(4) simply does not allow us the freedom to make improvement grants to entities (such as The Washington Ear) that do not qualify as existing public broadcast stations or organizations comprised of stations. This is not to say, however, that The Washington Ear and similar SCA entities cannot file joint applications with "existing public broadcast station[s]" (or organizations composed of existing stations) for the desired improvement grants. Although this situation has not yet been presented to us, neither the Act nor the PTFP regulations rule out such a cooperative venture. In addition, it *may* be possible for SCA entities to qualify for grants to expand their service areas under Priority II of the PTFA—for the activation or expansion of "facilities to provide additional complementary program services for which a clear and substantial community need can be demonstrated." [6]

Should The Washington Ear or any SCA entity desire to apply for a grant under these circumstances, Section 2301.4(c) of the PTFP rules provides a means by which an applicant may seek an advance ruling from the PTFP as to its eligibility. Although it may not be clear from the PTFP rules, an applicant may seek review of an adverse eligibility determination made on an advance ruling request by filing a Petition for Reconsideration pursuant to Section 2301.33.

I have enclosed various materials for your information which I hope will be helpful to you and Mr. Potter. If you have any further questions regarding these materials, I suggest that you contact Robert Hunter of my office at (202)377-1866.

Sincerely,

Gregg Skall,

Chief Counsel.

[FR Doc. 80-1201 Filed 1-11-80; 8:45 am]

BILLING CODE 3510-60-M

Grant Appeals Board of the Public Telecommunications Facilities Program; Rescheduling of Open Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Further notice.

SUMMARY: In an earlier notice, 44 FR 70513 (December 7, 1979), we announced the forthcoming meeting of the Grant Appeals Board of the Public Telecommunications Facilities Program on January 14, 1980. The date scheduled for that meeting has been changed. The Board is now scheduled to meet on February 20, 1980.

PURPOSE: To consider the petition of Independent School District Number 89 of Oklahoma County, Oklahoma, seeking reconsideration of an action of the PTFP staff denying forgiveness of its obligation to repay the remaining Federal interest in a grant awarded April 23, 1971.

TIME: February 20, 1980 at 10:00 a.m.

PLACE: National Telecommunications and Information Administration, 1800 G Street, NW., Room 765, Washington, D.C. 20504.

COMMENTS: Interested parties are encouraged to submit comments on the Petition for Reconsideration of Independent School District Number 89 of Oklahoma County, Oklahoma. (Published in the Federal Register at 44 FR 70513.) An original and seven copies of any comments should be filed on or before February 13, 1980, with: Office of Chief Counsel, NTIA/DOC, 1800 G Street NW., Washington, D.C. 20504. A certificate of service must be attached to the comments reflecting that a copy of the comments has been served on: Thomas W. Payzant, Superintendent, Oklahoma City Public Schools, 900 North Klein, Oklahoma City, Oklahoma 73106.

Additional information may be obtained from Robert Hunter, National Telecommunications and Information Administration, Office of Chief Counsel, 1800 G Street, N.W., Room 703, Washington, D.C. 20504. Telephone (202) 377-1866.

Gregg P. Skall,

Chief Counsel, National Telecommunications and Information Administration

[FR Doc. 80-1202 Filed 1-11-80; 8:45 am].

BILLING CODE 3510-60-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Room 1007, 90 Church Street, New York, New York on February 15, 1980 beginning at 9:30 a.m.

All members of the Joint Board plan to be present at the meeting for the purpose of having an overview discussion with the Advisory Committee about the Board's examination program. The Board believes it is appropriate to address all aspects of its examination program, as mandated by ERISA, including the program's implementation under Joint Board regulations and the joint administration of the examinations with actuarial organizations.

The public is invited to attend the meeting. To the extent time permits, members of the public also will be given an opportunity to offer oral comments. Such comments will be restricted to ten minutes in length. It is requested that those who wish to participate at the meeting advise the Committee Management Officer by February 11, 1980 and provide at least a written outline of the proposed remarks. In addition, the Joint Board invites anyone desiring to submit a written statement relative to the subject to do so. All such comments should be sent to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220.

Dated: January 9, 1980.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 80-1200 Filed 1-11-80; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF COMMERCE

Office of the Secretary

National Voluntary Laboratory Accreditation Program (NVLAP); Quarterly Report

This quarterly report covers the period from October 1 to December 31, 1979, and has been prepared in accordance with section 7.17(a) of the National Voluntary Laboratory Accreditation Program (NVLAP) procedures (15 CFR Parts 7a, 7b, and 7c).

General

An amendment to the National Voluntary Laboratory Accreditation Program (NVLAP) procedures (15 CFR Parts 7a, 7b, and 7c) was proposed in the Federal Register on December 28, 1979 (44 FR 76810-76811). This amendment would permit the inclusion of additional relevant standards and test methods in a laboratory accreditation program previously established under those procedures. Public comments on this proposed amendment are due by February 28, 1980.

Two laboratory accreditation programs (LAPs) have been established under NVLAP Part 7a procedures in the fields of thermal insulation materials and freshly mixed field concrete. National Laboratory Accreditation Criteria Committees have been established in each of these programs to develop and recommend general and

[6] *Report and Order, supra* at 30921.

specific criteria to the Secretary of Commerce. A third LAP for carpet has been established under NVLAP Part 7b procedures by a request from the Department of Housing and Urban Development.

Thermal Insulation Materials

In the "Report of Accreditation Actions" published in the Federal Register on October 17, 1979 (44 FR 60052–60054), the Department of Commerce (DOC) announced the granting of accreditation to 30 laboratories found capable of conducting specific tests on thermal insulation materials under the provisions of NVLAP. Included in this notice as Appendix 1 is a directory of accredited laboratories listing all of the test methods for which each laboratory has been granted accreditation. Appendix 2 to this notice lists each test method for thermal insulation materials covered by the program, and all of the laboratories which are accredited to perform each test method. It should be noted that testing laboratories accredited by the Secretary under these procedures are in no manner immune from the necessity of being in compliance with all legal obligations and responsibilities imposed by existing Federal, State, and local laws, ordinances, and regulations, including those related to consumer protection and antitrust prohibitions.

The National Laboratory Accreditation Criteria Committee for Thermal Insulation Materials (NLACC–1) met on December 18, 1979 to review the public comments relating to thermal insulation materials received on the proposed criteria to accredit laboratories that test thermal insulation materials, freshly mixed field concrete, or carpet, that were published in the Federal Register on September 28, 1979 (44 FR 56230–56263). Evaluation of the comments and recommendations for final criteria were made for submittal to the Assistant Secretary for Science and Technology.

Freshly Mixed Field Concrete

The National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete (NLACC–2) also met on December 18, 1979 to review the public comments relating to freshly mixed field concrete received on the proposed criteria identified above, and to submit its evaluation of the comments and recommendations for final criteria to the Assistant Secretary for Science and Technology.

Carpet

In response to the proposed criteria identified above, a request was received from the Carpet and Rug Institute for an informal public hearing. A hearing was held on November 28, 1979. A transcript of the hearing record and public comments received in response to the proposed criteria are available for inspection and copying in the DOC's Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW., Washington, D.C. 20230. The Department of Housing & Urban Development is reviewing the hearing record and public comments and will submit its evaluation and recommendations for final criteria to the Assistant Secretary for Science and Technology.

Dated: January 9, 1980.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

BILLING CODE 3510-13-M

APPENDIX 1

LISTING OF LABORATORIES ACCREDITED BY THE UNITED STATES DEPARTMENT OF COMMERCE UNDER PROVISIONS OF THE NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM AND THE TEST METHODS FOR WHICH EACH LABORATORY IS ACCREDITED TO TEST THERMAL INSULATION MATERIALS*

BUTLER MANUFACTURING COMPANY RESEARCH CENTER
Attn.: Mr. Marvin K. Snyder
Research Center
135th Street and Botts Road
Grandview, MO 64030
Phone: (816) 763-3022

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
Attn.: Dr. W. Francis Olix
Manager of Laboratory Services
1400 Union Meeting Road
Blue Bell, PA 19422
Phone: (215) 542-0500

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D01	ASTM C136	Sieve or screen analysis
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D08	ASTM C302	Density; Preformed pipe insulation
01/D09	ASTM C303	Density; Preformed block insulation
01/D13	ASTM C519	Density; Loose-fill (fibrous)
01/D25	HH-I-515 (para. 4.8.3 in D version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version)	Settled density; Cellulosic fiber (loose-fill)
01/F01	ASTM D777 as modified by HH-B-100B	Flammability; Paper and paperboard
01/F05	ASTM E136	Noncombustibility; Elementary materials
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/S01	ASTM C165	Compressive properties; Thermal insulation (proc. A)
01/S08	ASTM C446	Breaking load/modulus of rupture; Preformed pipe insulation
01/S09	ASTM D781	Puncture test; Paperboard and fiberboard
01/S10	ASTM D828	Tensile breaking strength; Paper and paperboard
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (loose-fill)
01/T02	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (blanket and batt)
01/T03	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (board and block)
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T05	ASTM C335	Thermal conductivity; Pipe insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)
01/T08	ASTM C518	Thermal transmission properties; Heat flow meter (loose-fill)
01/T09	ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber)
01/T10	ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous)
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

* It should be noted that testing laboratories accredited by the Secretary under these procedures are in no manner immune from the necessity of being in compliance with all legal obligations and responsibilities imposed by existing Federal, State, and local laws, ordinances, and regulations, including those related to consumer protection and antitrust prohibitions.

CERTIFIED TESTING LABORATORIES, INC.
Attn: Mr. John H. Frank, President
1105 Riverbend Drive
P. O. Box 2041
Dalton, GA 30720
Phone: (404) 226-1400

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

COMMERCIAL TESTING COMPANY, INC.
Attn: Mr. Erle W. Miles, Jr., President
P. O. Box 94
Dalton, GA 30720
Phone: (404) 278-3935

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/T08	ASTM C518	Thermal transmission properties; Heat flow meter (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
Attn: Mr. Dale E. Keeler, Group Leader
Building E
P. O. Box 515
Granville, OH 43023
Phone: (614) 587-4300

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D07	ASTM C272	Water absorption; Core materials
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D23	ASTM D2842	Water absorption; Rigid cellular plastics
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

DYNATECH R/D COMPANY
Attn: Mr. Ralph Wentworth
Vice President
99 Erie Street
Cambridge, MA 02139
Phone: (617) 868-8050

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C01	ASTM C739 (para. 7.7 in 77 version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D24	ASTM C739 (para. 7.5 in 77 version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/S01	ASTM C165	Compressive properties; Thermal insulation (proc. A)
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (loose-fill)
01/T02	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (blanket and batt)

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/T03	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (board and block)
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T05	ASTM C335	Thermal conductivity; Pipe insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)
01/T08	ASTM C518	Thermal transmission properties; Heat flow meter (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

DYNATHERM ENGINEERING
Attn: Mr. James B. Funkhouser
595 Marshan Lane
Lino Lakes, MN 55014
Phone: (612) 786-1853

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/T04	ASTM C236	Thermal conductance; Guarded hot box

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

FACTORY MUTUAL RESEARCH CORP.
Attn: Mr. Philip E. Johnson
Vice President and Manager
Approvals Division
1151 Boston-Providence Turnpike
Norwood, MA 02062
Phone: (617) 762-4300

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/F02	ASTM E84	Surface burning characteristics; Building materials (loose-fill)
01/F03	ASTM E84	Surface burning characteristics; Building materials (blanket and batt)
01/F04	ASTM E84	Surface burning characteristics; Building materials (board and block)
01/F06	ASTM C739 (para. 10.4 in 77 version)	Flame resistance permanency; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version)	Smoldering combustion; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

HAUSER LABORATORIES
Attn: Dr. Ray L. Hauser
Research Director
P. O. Box G
Boulder, CO 80306
Phone: (303) 443-4662

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version)	Settled density; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/T08	ASTM C518	Thermal transmission properties; Heat flow meter (loose-fill)
01/V05	HH-I-515 (para. 4.8.6 in D version)	Fungus; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

INTERNATIONAL ACOUSTICAL TESTING LABORATORY
Attn: Mr. Donald J. Valsvik, President
2820 Anthony Lane South
Minneapolis, MN 55418
Phone: (612) 781-2603

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version)	Settled density; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

JIM WALTER RESEARCH CORPORATION
Attn: Mr. Joseph M. Ciskowski
President
10301 Ninth Street North
St. Petersburg, FL 33702
Phone: (813) 576-4171

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D03	ASTM C209 (para. 6 in 72 version)	Thickness Board (cellulosic fiber)
01/D04	ASTM C209 (para. 13 in 72 version)	Water absorption, 2 hour; Board (cellulosic fiber)
01/D05	ASTM C209 (para. 13 in 72 version) by D1037 (para. 100-106 in 72 version)	Water absorption, 24 hour; Board (cellulosic fiber)
01/D06	ASTM C209 (para. 13 in 72 version) by D1037 (para. 107-110 in 72 version)	Linear expansion; Board (cellulosic fiber)
01/D09	ASTM C303	Density; Preformed block insulation
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D19	ASTM D2126	Response to thermal and humid; Aging (proc. B); Rigid cellular plastics
01/D20	ASTM D2126	Response to thermal and humid; Aging (proc. D); Rigid cellular plastics
01/D21	ASTM D2126	Response to thermal and humid; Aging (proc. E); Rigid cellular plastics
01/D22	ASTM D2126	Response to thermal and humid; Aging (proc. F); Rigid cellular plastics
01/D23	ASTM D2842	Water absorption; Rigid cellular plastics
01/S01	ASTM C165	Compressive properties; Thermal insulation (proc. A)
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation
01/S03	ASTM C209 (para. 9 in 72 version)	Transverse strength; Board (cellulosic fiber)
01/S04	ASTM C209 (para. 10 in 72 version)	Deflection at specified load; Board (cellulosic fiber)
01/S05	ASTM C209 (para. 11 in 72 version)	Tensile strength; Parallel to surface; Board (cellulosic fiber)
01/S06	ASTM C209 (para. 12 in 72 version)	Tensile strength; Perpendicular to surface
01/S07	ASTM C273	Shear test; Sandwich construction
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
01/T03	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (board and block)
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T05	ASTM C335	Thermal conductivity; Pipe insulation
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

JOHNS-MANVILLE R & D CENTER
Attn: Mr. George Kinzer
Manager, Materials Performance
Technical Section
P. O. Box 5108
Denver, CO 80217
Phone: (303) 979-1000 x4553

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D03	ASTM C209 (para. 6 in 72 version)	Thickness Board (cellulosic fiber)

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D04	ASTM C209 (para. 13 in 72 version)	Water absorption, 2 hour; Board (cellulosic fiber)
01/D08	ASTM C302	Density; Preformed pipe insulation
01/D09	ASTM C303	Density; Preformed block insulation
01/D11	ASTM C356	Linear shrinkage; Soaking heat; Preformed high temperature insulation
01/D12	ASTM C411	Hot-surface performance; High temperature insulation
01/D13	ASTM C519	Density; Loose-fill (fibrous)
01/F02	ASTM E84	Surface burning characteristics; Building materials (loose-fill)
01/F03	ASTM E84	Surface burning characteristics; Building materials (blanket and batt)
01/F04	ASTM E84	Surface burning characteristics; Building materials (board and block)
01/F05	ASTM E136	Noncombustibility; Elementary materials
01/S01	ASTM C165	Compressive properties; Thermal insulation (proc. A)
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation
01/S03	ASTM C209 (para. 9 in 72 version)	Transverse strength; Board (cellulosic fiber)
01/S06	ASTM C209 (para. 12 in 72 version)	Tensile strength; Perpendicular to surface
01/S08	ASTM C446	Breaking load/modulus of rupture; Preformed pipe insulation
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T05	ASTM C335	Thermal conductivity; Pipe insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)
01/T08	ASTM C518	Thermal transmission properties; Heat flow meter (loose-fill)
01/T09	ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber)
01/T10	ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous)
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

LOUISIANA-PACIFIC CORPORATON, PABCO INSULATION DIVISION
Attn: Dr. F. B. Hutto, Jr.
Director of Research and Development
Pabco Insulation Division
1110 Sixteen Road
Fruita, CO 81521
Phone: (303) 858-3694

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/T03	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (board and block)
01/T05	ASTM C335	Thermal conductivity; Pipe insulation

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

NAHB RESEARCH FOUNDATION, INC.
Attn: Mr. Hugh D. Angleton
Director, Laboratory Services
Office and Research Laboratory
P. O. Box 1627
Rockville, Md. 20850
Phone: (301) 762-4200

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)
01/T09	ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
Attn: Mr. Harland E. Fargo
R & D Services
P. O. Box 415
Granville, OH 43023
Phone: (614) 587-0610

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C01	ASTM C739 (para. 7.7 in 77 version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/C02	HH-I-515 (para. 4.8.5 in D version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D03	ASTM C209 (para. 6 in 72 version)	Thickness Board (cellulosic fiber)
01/D04	ASTM C209 (para. 13 in 72 version)	Water absorption, 2 hour; Board (cellulosic fiber)
01/D05	ASTM C209 (para. 13 in 72 version) by D1037 (para. 100-106 in 72 version)	Water absorption, 24 hour; Board (cellulosic fiber)
01/D06	ASTM C209 (para. 13 in 72 version) by D1037 (para. 107-110 in 72 version)	Linear expansion; Board (cellulosic fiber)
01/D07	ASTM C272	Water absorption; Core materials
01/D08	ASTM C302	Density; Preformed pipe insulation
01/D09	ASTM C303	Density; Preformed block insulation
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method
01/D11	ASTM C356	Linear shrinkage; Soaking heat; Preformed high temperature insulation
01/D12	ASTM C411	Hot-surface performance; High temperature insulation
01/D13	ASTM C519	Density; Loose-fill (fibrous)
01/D15	ASTM D756	Weight and shape changes; Accelerated service (proc. A); Plastics
01/D16	ASTM D756	Weight and shape changes; Accelerated service (proc. B); Plastics
01/D17	ASTM D756	Weight and shape changes; Accelerated service (proc. E); Plastics
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D19	ASTM D2126	Response to thermal and humid; Aging (proc. B); Rigid cellular plastics
01/D20	ASTM D2126	Response to thermal and humid; Aging (proc. D); Rigid cellular plastics
01/D21	ASTM D2126	Response to thermal and humid; Aging (proc. E); Rigid cellular plastics
01/D22	ASTM D2126	Response to thermal and humid; Aging (proc. F); Rigid cellular plastics
01/D23	ASTM D2842	Water absorption; Rigid cellular plastics
01/D24	ASTM C739 (para. 7.5 in 77 version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version)	Settled density; Cellulosic fiber (loose-fill)
01/F01	ASTM D777 as modified by HH-B-100B	Flammability; Paper and paperboard
01/F02	ASTM E84	Surface burning characteristics; Building materials (loose-fill)
01/F03	ASTM E84	Surface burning characteristics; Building materials (blanket and batt)
01/F04	ASTM E84	Surface burning characteristics; Building materials (board and block)
01/F05	ASTM E136	Noncombustibility; Elementary materials
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/S01	ASTM C165	Compressive properties; Thermal insulation (proc. A)
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation
01/S03	ASTM C209 (para. 9 in 72 version)	Transverse strength; Board (cellulosic fiber)
01/S04	ASTM C209 (para. 10 in 72 version)	Deflection at specified load; Board (cellulosic fiber)
01/S05	ASTM C209 (para. 11 in 72 version)	Tensile strength; Parallel to surface; Board (cellulosic fiber)
01/S06	ASTM C209 (para. 12 in 72 version)	Tensile strength; Perpendicular to surface
01/S07	ASTM C273	Shear test; Sandwich construction
01/S08	ASTM C446	Breaking load/modulus of rupture: Preformed pipe insulation
01/S09	ASTM D781	Puncture test; Paperboard and fiberboard
01/S10	ASTM D828	Tensile breaking strength; Paper and paperboard

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (loose-fill)
01/T02	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (blanket and batt)
01/T03	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (board and block)
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/T05	ASTM C335	Thermal conductivity; Pipe insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)
01/T08	ASTM C518	Thermal transmission properties; Heat flow meter (loose-fill)
01/T09	ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber)
01/T10	ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous)
01/V02	ASTM D591	Starch in paper; Qualitative test
01/V03	ASTM D2020	Mildew (fungus) resistance; Paper and paperboard
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A)
01/V05	HH-I-515 (para. 4.8.6 in D version)	Fungus; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

OWENS-CORNING FIBERGLAS CORP.
BARRINGTON, NEW JERSEY PLANT LABORATORY
Attn: Mr. Harland E. Fargo
R & D Services
P. O. Box 415
Granville, OH 43023
Phone: (614) 587-0610

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D09	ASTM C303	Density; Preformed block insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

OWENS-CORNING FIBERGLAS CORP.
DELMAR, NEW YORK PLANT LABORATORY
Attn: Mr. Harland E. Fargo
R& D Services
P. O. Box 415
Granville, OH 43023
Phone: (614) 587-0610

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

OWENS-CORNING FIBERGLAS CORP.
KANSAS CITY, KANSAS PLANT LABORATORY
Attn: Mr. Harland E. Fargo
R & D Services
P. O. Box 415
Granville, OH 43023
Phone: (614) 587-0610

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

OWENS-CORNING FIBERGLAS CORP.
FAIRBURN, GEORGIA PLANT LABORATORY
Attn: Mr. Harland E. Fargo
R & D Services
P. O. Box 415
Granville, OH 43023
Phone: (614) 587-0610

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D09	ASTM C303	Density; Preformed block insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

OWENS-CORNING FIBERGLAS CORP.
NEWARK, OHIO PLANT LABORATORY
Attn: Mr. Harland E. Fargo
R & D Services
P.O. Box 415
Granville, OH 43023
Phone: (614) 587-0610

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D09	ASTM C303	Density; Preformed block insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

OWENS-CORNING FIBERGLAS CORP.
SANTA CLARA, CALIFORNIA PLANT LABORATORY
Attn: Mr. Harland E. Fargo
R & D Services
P. O. Box 415
Granville, OH 43023
Phone: (614) 587-0610

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D09	ASTM C303	Density; Preformed block insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

OWENS-CORNING FIBERGLAS CORP.
WAXAHACHIE, TEXAS PLANT LABORATORY
Attn: Mr. Harland E. Fargo
R & D Services
P. O. Box 415
Granville, OH 43023
Phone: (614) 587-0610

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D09	ASTM C303	Density; Preformed block insulation
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

SOUTHWEST RESEARCH INSTITUTE
Attn: Dr. Gordon E. Hartzell
Director, Dept. of Fire Technology
P. O. Drawer 28510
San Antonio, TX 78284
Phone: (512) 684-5111

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C01	ASTM C739 (para. 7.7 in 77 version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/C02	HH-I-515 (para. 4.8.5 in D version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D24	ASTM C739 (para. 7.5 in 77 version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version)	Settled density; Cellulosic fiber (loose-fill)
01/F02	ASTM E84	Surface burning characteristics; Building materials (loose-fill)
01/F03	ASTM E84	Surface burning characteristics; Building materials (blanket and batt)
01/F04	ASTM E84	Surface burning characteristics; Building materials (board and block)
01/F05	ASTM E136	Noncombustibility; Elementary materials
01/F06	ASTM C739 (para. 10.4 in 77 version)	Flame resistance permanency; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/T04	ASTM C236	Thermal conductance; Guarded hot box
01/V05	HH-I-515 (para. 4.8.6 in D version)	Fungus; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

SPARRELL ENGINEERING RESEARCH CORP.
Attn: Mr. James K. Sparrell, President
Shetland Industrial Park
P. O. Box 8
Salem, MA 01970
Phone: (617) 744-8011

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (loose-fill)
01/T02	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (blanket and batt)
01/T03	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (board and block)
01/T08	ASTM C518	Thermal transmission properties; Heat flow meter (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

TECHNICAL MICRONICS CONTROLS, INC.
Attn: Mr. Ronald K. McClendon
P. O. Box 1330
Huntsville, AL 35807
Phone: (205) 837-4430

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version)	Settled density; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate (loose-fill)
01/V05	HH-I-515 (para. 4.8.6 in D version)	Fungus; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
Attn: Mr. Steve Mazzoni
Chief Engineer, Fire Protection
333 Pfingsten Road
Northbrook, Ill. 60062
Phone: (312) 272-8800

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C01	ASTM C739 (para. 7.7 in 77 version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/C02	HH-I-515 (para. 4.8.5 in D version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D01	ASTM C136	Sieve or screen analysis
01/D02	ASTM C167	Thickness and density; Blanket and batt
01/D03	ASTM C209 (para. 6 in 72 version)	Thickness Board (cellulosic fiber)
01/D04	ASTM C209 (para. 13 in 72 version)	Water absorption, 2 hour; Board (cellulosic fiber)
01/D05	ASTM C209 (para. 13 in 72 version) by D1037 (para. 100-106 in 72 version)	Water absorption, 24 hour; Board (cellulosic fiber)
01/D06	ASTM C209 (para. 13 in 72 version) by D1037 (para. 107-110 in 72 version)	Linear expansion; Board (cellulosic fiber)
01/D08	ASTM C302	Density; Preformed pipe insulation
01/D09	ASTM C303	Density; Preformed block insulation
01/D13	ASTM C519	Density; Loose-fill (fibrous)
01/D14	ASTM C520	Density; Granular loose-fill
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D24	ASTM C739 (para. 7.5 in 77 version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version)	Settled density; Cellulosic fiber (loose-fill)
01/F02	ASTM E84	Surface burning characteristics; Building materials (loose-fill)
01/F03	ASTM E84	Surface burning characteristics; Building materials (blanket and batt)
01/F04	ASTM E84	Surface burning characteristics; Building materials (board and block)
01/F06	ASTM C739 (para. 10.4 in 77 version)	Flame resistance permanency; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation
01/S03	ASTM C209 (para. 9 in 72 version)	Transverse strength; Board (cellulosic fiber)
01/S04	ASTM C209 (para. 10 in 72 version)	Deflection at specified load; Board (cellulosic fiber)
01/S05	ASTM C209 (para. 11 in 72 version)	Tensile strength; Parallel to surface; Board (cellulosic fiber)
01/S06	ASTM C209 (para. 12 in 72 version)	Tensile strength; Perpendicular to surface
01/S08	ASTM C446	Breaking load/modulus of rupture; Preformed pipe insulation
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead)
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)
01/T08	ASTM C518	Thermal transmission properties; Heat flow meter (loose-fill)
01/T09	ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber)
01/T10	ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous)
01/V02	ASTM D591	Starch in paper; Qualitative test
01/V03	ASTM D2020	Mildew (fungus) resistance; Paper and paperboard
01/V05	HH-I-515 (para. 4.8.6 in D version)	Fungus; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

UNDERWRITERS LABORATORIES, INC., SANTA CLARA, CALIFORNIA
Attn: Mr. Steven Mazzoni
Chief Engineer, Fire Protection
333 Pfingsten Road
Northbrook, IL 60062
Phone: (312) 272-8800

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/D13	ASTM C519	Density; Loose-fill (fibrous)
01/F02	ASTM E84	Surface burning characteristics; Building materials (loose-fill)

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/F03	ASTM E84	Surface burning characteristics; Building materials (blanket and batt)
01/F04	ASTM E84	Surface burning characteristics; Building materials (board and block)
01/F06	ASTM C739 (para. 10.4 in 77 version)	Flame resistance permanency; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
Attn: Mr. Carl B. Yoder, P.E.
Assistant Vice President
1415 Park Avenue
Hoboken, N.J. 07030
Phone: (201) 792-2400

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C01	ASTM C739 (para. 7.7 in 77 version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/C02	HH-I-515 (para. 4.8.5 in D version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method
01/D24	ASTM C739 (para. 7.5 in 77 version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D25	HH-I-515 (para. 4.8.3 in D version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version)	Settled density; Cellulosic fiber (loose-fill)
01/F02	ASTM E84	Surface burning characteristics; Building materials (loose-fill)
01/F03	ASTM E84	Surface burning characteristics; Building materials (blanket and batt)
01/F04	ASTM E84	Surface burning characteristics; Building materials (board and block)
01/F05	ASTM E136	Noncombustibility; Elementary materials
01/F06	ASTM C739 (para. 10.4 in 77 version)	Flame resistance permanency; Cellulosic fiber (loose-fill)
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter (blanket and batt)
01/T07	ASTM C518	Thermal transmission properties; Heat flow meter (board)
01/T08	ASTM C518	Thermal transmission properties; Heat flow meter (loose-fill)
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A)
01/V05	HH-I-515 (para. 4.8.6 in D version)	Fungus; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
Attn: Mr. Carl B. Yoder, P.E.
Assistant Vice President
1415 Park Avenue
Hoboken, N.J. 07030
Phone: (201) 792-2400

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method
01/D21	ASTM D2126	Response to thermal and humid; Aging (proc. E); Rigid cellular plastics
01/D25	HH-I-515 (para. 4.8.3 in D version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version)	Settled density; Cellulosic fiber (loose-fill)
01/F02	ASTM E84	Surface burning characteristics; Building materials (loose-fill)
01/F04	ASTM E84	Surface burning characteristics; Building materials (board and block)
01/F05	ASTM E136	Noncombustibility; Elementary materials
01/F07	HH-I-515 (para. 4.8.7 in D version)	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill)

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/F08	HH-I-515 (para. 4.8.8 in D version)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A)
01/V06	HH-I-515 (para. 4.8.9 in D version)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

UNITED STATES TESTING COMPANY, INC., TULSA BRANCH LABORATORY
Attn: Mr. Carl B. Yoder, P.E.
Assistant Vice President
1415 Park Avenue
Hoboken, N.J. 07030
Phone: (201) 792-2400

NVLAP Code	Test Method Designation	Short Title (property) Subtitle (if applicable)
01/C02	HH-I-515 (para. 4.8.5 in D version)	Corrosiveness; Cellulosic fiber (loose-fill)
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics
01/D25	HH-I-515 (para. 4.8.3 in D version)	Moisture absorption; Cellulosic fiber (loose-fill)
01/D26	HH-I-515 (para. 4.8.1 in D version)	Settled density; Cellulosic fiber (loose-fill)
01/F08	HH-I-515 (para. 4.8.8 in D version)	Smoldering combustion; Cellulosic fiber (loose-fill)
01/V05	HH-I-515 (para. 4.8.6 in D version)	Fungus; Cellulosic fiber (loose-fill)
01/V06	HH-I-515 (para. 4.8.9 in D version)	Starch; Cellulosic fiber (loose-fill)

NOTE: Accreditation was granted on 10/12/79 and expires on 10/11/80.

APPENDIX 2

LIST OF TEST METHODS FOR THERMAL INSULATION MATERIALS AND THE LABORATORIES ACCREDITED TO PERFORM EACH TEST METHOD

CORROSIVENESS TEST METHODS

01/C01 ASTM C739 Corrosiveness; cellulosic fiber (loose-fill)(para. 7.7 in 77 version)
- DYNATECH R/D COMPANY
- OWENS-CORNING FIBERGLAS, TECHNICAL CENTER LABORATORY
- SOUTHWEST RESEARCH INSTITUTE
- UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
- UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY

01/C02 HH-I-515 Corrosiveness; cellulosic fiber (loose-fill)(para. 4.8.5 in D version)
- CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
- CERTIFIED TESTING LABORATORIES, INC.
- COMMERCIAL TESTING COMPANY, INC.
- HAUSER LABORATORIES
- INTERNATIONAL ACOUSTICAL TESTING LABORATORY
- OWENS-CORNING FIBERGLAS, TECHNICAL CENTER LABORATORY
- SOUTHWEST RESEARCH INSTITUTE
- TECHNICAL MICRONICS CONTROLS, INC.
- UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
- UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
- UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
- UNITED STATES TESTING COMPANY, INC., TULSA BRANCH LABORATORY

DIMENSIONS, STABILITY, AND DENSITY PROPERTIES TEST METHODS

01/D01 ASTM C136 Sieve or screen analysis
- CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
- UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/D02 ASTM C167 Thickness and density; blanket and batt
- CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
- JOHNS-MANVILLE R & D CENTER
- NAHB RESEARCH FOUNDATION, INC.
- OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
- OWENS-CORNING FIBERGLAS CORP., BARRINGTON, NEW JERSEY PLANT LABORATORY
- OWENS-CORNING FIBERGLAS CORP., DELMAR, NEW YORK PLANT LABORATORY
- OWENS-CORNING FIBERGLAS CORP., FAIRBURN, GEORGIA PLANT LABORATORY
- OWENS-CORNING FIBERGLAS CORP., KANSAS CITY, KANSAS PLANT LABORATORY
- OWENS-CORNING FIBERGLAS CORP., NEWARK, OHIO PLANT LABORATORY
- OWENS-CORNING FIBERGLAS CORP., SANTA CLARA, CALIFORNIA PLANT LABORATORY
- OWENS-CORNING FIBERGLAS CORP., WAXAHACHIE, TEXAS PLANT LABORATORY
- UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/D03 ASTM C209 Thickness board (cellulosic fiber) (para. 6 in 72 version)
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
01/D04 ASTM C209 Water absorption, 2 hour, board (cellulosic fiber)(para. 13 in 72 version)
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
01/D05 ASTM C209 Water absorption, 24 hour, board (cellulosic fiber)(para. 13 in 72 version by D1037 para. 100-106 in 72 version)
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
01/D06 ASTM C209 Linear expansion; board (cellulosic fiber)(para. 13 in 72 version by D1037 para. 107-110 in 72 version)
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
01/D07 ASTM C272 Water absorption; core materials
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
01/D08 ASTM C302 Density; preformed pipe insulation
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
01/D09 ASTM C303 Density; preformed block insulation
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
OWENS-CORNING FIBERGLAS CORP., BARRINGTON, NEW JERSEY PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., KANSAS CITY, KANSAS PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., NEWARK, OHIO PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., SANTA CLARA, CALIFORNIA PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., WAXAHACHIE, TEXAS PLANT LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
01/D10 ASTM C355 Water vapor transmission; thick materials; desiccant method
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
UNITED STATES TESTING COMPANY, INC., TULSA BRANCH LABORATORY
01/D11 ASTM C356 Linear shrinkage; soaking heat; preformed high temperature insulation
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
01/D12 ASTM C411 Hot-surface performance; high temperature insulation
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
01/D13 ASTM C519 Density; loose-fill (fibrous)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNDERWRITERS LABORATORIES, INC., SANTA CLARA, CALIFORNIA
01/D14 ASTM C520 Density; granular loose-fill
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
01/D15 ASTM D756 Weight and shape changes; accelerated service (proc. A); plastics
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORTORY
01/D16 ASTM D756 Weight and shape changes; accelerated service (proc. B); plastics
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
01/D17 ASTM D756 Weight and shape changes; accelerated service (proc. E); plastics
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
01/D18 ASTM D1622 Apparent density; rigid cellular plastics
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNITED STATES TESTING COMPANY, INC., TULSA BRANCH LABORATORY
01/D19 ASTM D2126 Response to thermal and humid; aging (proc. B); rigid cellular plastics
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
01/D20 ASTM D2126 Response to thermal and humid; aging (proc. D); rigid cellular plastics
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
01/D21 ASTM D2126 Response to thermal and humid; aging (proc. E); rigid cellular plastics
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
01/D22 ASTM D2126 Response to thermal and humid; aging (proc. F); rigid cellular plastics
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
01/D23 ASTM D2842 Water absorption; rigid cellular plastics
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/D24 ASTM C739 Moisture absorption; cellulosic fiber (loose-fill) (para. 7.5 in 77 version)
DYNATECH R/D COMPANY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
01/D25 HH-I-515 Moisture absorption; cellulosic fiber (loose-fill) (para. 4.8.3 in D version)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
CERTIFIED TESTING LABORATORIES, INC.
COMMERCIAL TESTING COMPANY, INC.
HAUSER LABORATORIES
INTERNATIONAL ACOUSTICAL TESTING LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
UNITED STATES TESTING COMPANY, INC., TULSA BRANCH LABORATORY
01/D26 HH-I-515 Settled density; cellulosic fiber (loose-fill) (para. 4.8.1 in D version)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
HAUSER LABORATORIES
INTERNATIONAL ACOUSTICAL TESTING LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE
TECHNICAL MICRONICS CONTROL, INC.
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
UNITED STATES TESTING COMPANY, INC., TULSA, BRANCH LABORATORY

FIRE PROPERTIES TEST METHODS

01/F01 ASTM D777(as modified by HH-B-100B)Flammability; paper and paperboard
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
01/F02 ASTM E84 Surface burning characteristics; building materials (loose-fill)
FACTORY MUTUAL RESEARCH CORP.
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNDERWRITERS LABORATORIES, INC., SANTA CLARA, CALIFORNIA
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
01/F03 ASTM E84 Surface burning characteristics; building materials (blanket and batt)
FACTORY MUTUAL RESEARCH CORP.
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNDERWRITERS LABORATORIES, INC., SANTA CLARA, CALIFORNIA
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
01/F04 ASTM E84 Surface burning characteristics; building materials (board and block)
FACTORY MUTUAL RESEARCH CORP.
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNDERWRITERS LABORATORIES, INC., SANTA CLARA, CALIFORNIA
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
01/F05 ASTM E136 Noncombustibility; elementary materials
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
01/F06 ASTM C739 Flame resistance permanency; cellulosic fiber (loose-fill) (para. 10.4 in 77 version)
FACTORY MUTUAL RESEARCH CORP.
SOUTHWEST RESEARCH INSTITUTE
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNDERWRITERS LABORATORIES, INC., SANTA CLARA, CALIFORNIA
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
01/F07 HH-I-515 Critical radiant flux; radiant panel (cellulosic fiber loose-fill)(para. 4.8.7 in D version)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
CERTIFIED TESTING LABORATORIES, INC.
COMMERCIAL TESTING COMPANY, INC.
FACTORY MUTUAL RESEARCH CORP.
HAUSER LABORATORIES
INTERNATIONAL ACOUSTICAL TESTING LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE
TECHNICAL MICRONICS CONTROLS, INC.
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNDERWRITERS LABORATORIES, INC., SANTA CLARA, CALIFORNIA
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
01/F08 HH-I-515 Smoldering combustion; cellulosic fiber (loose-fill) (para. 4.8.8 in D version)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
CERTIFIED TESTING LABORATORIES, INC.
COMMERCIAL TESTING COMPANY, INC.
FACTORY MUTUAL RESEARCH CORP.
HAUSER LABORATORIES
INTERNATIONAL ACOUSTICAL TESTING LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
TECHNICAL MICRONICS CONTROLS, INC.
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
UNITED STATES TESTING COMPANY, INC., TULSA BRANCH LABORATORY

STRENGTH PROPERTIES TEST METHODS

01/S01 ASTM C165 Compressive properties; thermal insulation (proc. A)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DYNATECH R/D COMPANY
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/S02 ASTM C203 Breaking load/flexural strength; preformed block insulation
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
DYNATECH R/D COMPANY
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORTORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/S03 ASTM C209 Transverse strength; board (cellulosic fiber) (para. 9 in 72 version)
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/S04 ASTM C209 Deflection at specified load; board (cellulosic fiber) (para. 10 in 72 version)
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/S05 ASTM C209 Tensile strength; parallel to surface; board (cellulosic fiber (para. 11 in 72 version)
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/S06 ASTM C209 Tensile strength; perpendicular to surface (para. 12 in 72 version)
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/S07 ASTM C273 Shear test; sandwich construction
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/S08 ASTM C446 Breaking load/modulus of rupture; preformed pipe insulation
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER & LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/S09 ASTM D781 Puncture test; paperboard and fiberboard
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/S10 ASTM D828 Tensile breaking strength; paper and paperboard
CERTAINTEED CORPORATION RESEASRCH & DEVELOPMENT LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/S11 ASTM D1621 Compressive properties; rigid cellular plastics (proc. A-crosshead)
DOW CHEMICAL U.S.A, GRANVILLE R & D CENTER
DYNATECH R/D COMPANY
JIM WALTER RESEARCH CORPORATION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

THERMAL PROPERTIES TEST METHODS

01/T01 ASTM C177 Thermal transmission properties; low-temperature guarded hot plate (loose-fill)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DYNATECH R/D COMPANY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SPARRELL ENGINEERING RESEARCH CORP.
TECHNICAL MICRONICS CONTROLS, INC.

01/T02 ASTM C177 thermal transmission properties; low-temperature guarded hot plate (blanket and batt)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DYNATECH R/D COMPANY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SPARRELL ENGINEERING RESEARCH CORP.

01/T03 ASTM C177 Thermal transmission properties; low-temperature guarded hot plate (board and block)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DYNATECH R/D COMPANY
JIM WALTER RESEARCH CORPORATION
LOUISIANA-PACIFIC CORPORATION, PABCO INSULATION DIVISION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SPARRELL ENGINEERING RESEARCH CORP.

01/T04 ASTM C236 Thermal conductance; guarded hot box
BUTLER MANUFACTURING COMPANY RESEARCH CENTER
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DYNATECH R/D COMPANY
DYNATHERM ENGINEERING
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE

01/T05 ASTM C335 Thermal conductivity; pipe insulation
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DYNATECH R/D COMPANY
JIM WALTER RESERCH CORPORATION
JOHNS-MANVILLE R & D CENTER
LOUISIANA-PACIFIC CORPORATION, PABCO INSULATION DIVISION
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY

01/T06 ASTM C518 Thermal transmission properties; heat flow meter (blanket and batt)
BUTLER MANUFACTURING COMPANY RESEARCH CENTER
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DYNATECH R/D COMPANY
JOHNS-MANVILLE R & D CENTER
NAHB RESEARCH FOUNDATION, INC.

OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
OWENS-CORNING FIBERGLAS CORP., BARRINGTON, NEW JERSEY PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., DELMAR, NEW YORK, PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., FAIRBURN, GEORGIA PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., KANSAS CITY, KANSAS PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., NEWARK, OHIO PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., SANTA CLARA, CALIFORNIA
OWENS-CORNING FIBERGLAS CORP., WAXAHACHIE, TEXAS
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY

01/T07 ASTM C518 Thermal transmission properties; heat flow meter (board)
BUTLER MANUFACTURING COMPANY RESEARCH CENTER
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
DOW CHEMICAL U.S.A., GRANVILLE R & D CENTER
DYNATECH R/D COMPANY
JIM WALTER RESEARCH CORPORATION
JOHNS-MANVILLE R & D CENTER
NAHB RESEARCH FOUNDATION, INC.
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
OWENS-CORNING FIBERGLAS CORP., BARRINGTON NEW JERSEY PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., KANSAS CITY, KANSAS PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., NEWARK, OHIO PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., SANTA CLARA, CALIFORNIA PLANT LABORATORY
OWENS-CORNING FIBERGLAS CORP., WAXAHACHIE, TEXAS PLANT LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY

01/T08 ASTM C518 Thermal transmission properties; heat flow meter (loose-fill)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORIES
COMMERCIAL TESTING COMPANY, INC.
DYNATECH R/D COMPANY
HAUSER LABORATORIES
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SPARRELL ENGINEERING RESEASRCH CORP.
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY

01/T09 ASTM C653 Thermal resistance (rec. practice); blanket (mineral fiber)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE R & D CENTER
NAHB RESEARCH FOUNDATION, INC.
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/T10 ASTM C687 Thermal resistance (rec. practice); loose-fill(fibrous)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

VAPOR BARRIERS PROPERTIES TEST METHODS

01/V02 ASTM D591 Starch in paper; qualitative test
OWENS-CORNING FIBERGLASS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

[FR Doc. 80-1160 Filed 1-11-80; 8:45 am]
BILLING CODE 3510-13-C

01/V03 ASTM D2020 Mildew (fungus) resistance; paper and paperboard
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS

01/V04 ASTM E96 Water vapor transmission; thin sheets (proc. A)
CERTAINTEED CORPORATION, RESEARCH & DEVELOPMENT LABORATORY
JOHNS-MANVILLE R & D CENTER
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY

01/V05 HH-I-515 Fungus; cellulosic fiber (loose-fill) (para. 4.8.6 in D version)
HAUSER LABORATORIES
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE
TECHNICAL MICRONICS CONTROLS, INC.
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
UNITED STATES TESTING COMPANY, INC., TULSA BRANCH LABORATORY

01/V06 HH-I-515 Starch; cellulosic fiber (loose-fill) (para. 4.8.9 in D version)
CERTIFIED TESTING LABORATORIES, INC.
COMMERCIAL TESTING COMPANY, INC.
DYNATECH R/D COMPANY
HAUSER LABORATORIES
INTERNATIONAL ACOUSTICAL TESTING LABORATORY
OWENS-CORNING FIBERGLAS CORP., TECHNICAL CENTER LABORATORY
SOUTHWEST RESEARCH INSTITUTE
UNDERWRITERS LABORATORIES, INC., NORTHBROOK, ILLINOIS
UNITED STATES TESTING COMPANY, INC., HOBOKEN, NEW JERSEY
UNITED STATES TESTING COMPANY, INC., CALIFORNIA BRANCH LABORATORY
UNITED STATES TESTING COMPANY, INC., TULSA BRANCH LABORATORY

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Advisory Committee; Meeting

The Defense Science Board will meet in closed session February 14–15, 1980 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for February 14–15, 1980 to discuss interim findings and tentative recommedations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/ Command, Control and Communcation, and Technology issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with 5 U.S.C. App. I 10(d) (1976), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C. 552(c)(1) (1976), and that accordingly this meeting will be closed to the public.

H. E. Lofdahl,

Director, Correspondence and Directives Washington Headquarters Service, Department of Defense.

January 8, 1980.

[FR Doc. 80-1095 Filed 1-11-80; 8:45 am]

BILLING CODE 3810-70-M

Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense; Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, as amended, Section 10, 5 U.S.C. app. Section 10 (1976), notice is hereby given that a meeting of the Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense will be held on January 25, 1980 from 1000 to 1200 and 1330 to 1630 in Room 3D973, The Pentagon, Washington, D.C.

The mission of the Task Force is to advise Congress and the Secretary of Defense with respect to the effectiveness of the audit, inspection and investigative components of the Department of Defense.

The meeting will be open to the public.

H.E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

January 9, 1980.

[FR Doc. 80-1096 Filed 1-11-80; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1391-2]

Ambient Air Monitoring Reference and Equivalent Methods; Amendment to Reference Method for CO

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has approved an amendment to CO Reference Method Designation Number RFCA-0979-041 (Federal Register Vol. 44, page 54545, September 20, 1979). The amendment is to include an additional option (08A—Calibration Valves). While the designation number of the method remains the same, the method identification is amended to read as follows:

RFCA-0979-041, "Monitor Labs Model 8310 CO Analyzer," operated on the 0–50 ppm range, with a sample inlet filter, and with or without any of the following options:

02A—Zero/Span Valves
03A—Floor Stand
04A—Pump (60 H2)
04B—Pump (50 H2)
05A—CO Regulator
06A—CO Cylinder
07A—Zero/Span Valve Power Supply
08A—Calibration Valves
99A,B,C,D—Input Power Transformer

This method is available from Monitor Labs, Incorporated, 10180 Scripps Ranch Blvd., San Diego, California 92131.

This change is made in accordance with 40 CFR 53.14, based on additional information submitted by the applicant subsequent to the original designation (44 FR 54545, September 20, 1979). As a designated reference method, this method is acceptable for use by States and other agencies for purposes which require use of a designated reference or equivalent monitoring method.

Additional information concerning the use of this designated method may be obtained from the original Notice of Designation (44 FR 54545) or by writing to: Director, Environmental Monitoring Systems Laboratory, (Department E, MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Technical questions concerning the method should be directed to the manufacturer.

January 9, 1980.

Stephen J. Gage,

Assistant Administrator for Research and Development.

[FR Doc. 80-1150 Filed 1-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1391-3]

Ambient Air Monitoring Reference and Equivalent Methods; Amendment to Equivalent Method for SO_2

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has approved an amendment to SO_2 Equivalent Method Designation Number EQSA-0276-009 (Federal Register, Vol. 41, Page 8531, February 27, 1976) to include an option for an improved flash lamp power supply. While the designation number of the method remains the same, the method identification is amended to read as follows: EQSA-0276-009, "Thermo Electron Model 43 Pulsed Fluorescent SO_2 Analyzer," operated on either the 0–0.5 ppm range or the 0–1.0 ppm range, with or without any of the following options:

001—Rack mounting for standard 19 inch relay rack.
002—Automatic actuation of zero and span solenoid valves.
003—Type S flash lamp power supply.

This method is available from Thermo Electron Corporation, Environmental Instruments Division, 108 South Street, Hopkinton, MA 01748.

This change is made in accordance with 40 CFR 53.14, based on additional information submitted by the applicant subsequent to the original designation (41 FR 8531, February 27, 1976). As a designated equivalent method, this method is acceptable for use by States and other control agencies for purposes which require use of a reference or equivalent monitoring method.

Additional information concerning the use of this designated method may be obtained from the original Notice of Designation (41 FR 8531) or by writing to: Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Technical questions

concerning the method should be directed to the manufacturer.

January 9, 1980.

Stephen J. Gage,

Assistant Administrator for Research and Development.

[FR Doc. 80-1151 Filed 1-11-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180391A; FRL 1391-1]

California Department of Food and Agriculture; Issuance of Specific Exemption To Use Benomyl on Crucifer Seeds To Control Blackleg

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of specific exemption.

SUMMARY: EPA has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use benomyl on 415,200 pounds of crucifer seeds (cabbage, cauliflower, broccoli, and Brussels sprouts) to control blackleg (*Phoma lingam*). The specific exemption expires on July 1, 1980. The Applicant initiated a crisis exemption for this use of benomyl on October 12, 1979, and so notified the Administrator. Notification of this crisis exemption was published in the Federal Register on Wednesday, November 21, 1979 (44 FR 66558).

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: According to the Applicant, *P. lingam* reduces germination and can devastate a field by killing the plants or severely stunting their growth and yield. The organism is often present on crucifer seed or weed hosts of the genus *Brassica* that are already at the planting site. Spores of *P. lingam* can remain viable on infected debris for up to four years, and uninfected fields can be infected by the introduction of contaminated seed. The Applicant claimed that effective disease control requires treatment of seed stock used for seek production as well as the treatment of seed stock used for seed production as well as the treatment of commercial seed lots.

According to the Applicant, 415,200 pounds of crucifer seed are shipped into California annualy for packaging before being sold to dealers and growers worldwide. The seed is not treated in the places of origin because Benlate (benomyl) is not registered for this use. However, specific exemptions have been granted to New York, Minnesota, and Washington for use on crucifer seed. Unless treated, the seed cannot be marketed for export to other States and overseas, the Applicant reported, and as a result, the industry could lose $17.4 million. The Applicant claimed that there is no pesticide registered for this use, nor are there any successful cultural practices to control blackleg.

The Applicant proposed using a maximum of 2,076 pounds of Benlate (1,038 pounds of the active ingredient benomyl) to treat 415,200 pounds of seed as a slurry application in combination with Arasan or Captan. One application is to be made per seed lot.

EPA has determined that residues of benomyl are not likely to exceed 0.2 part per million (ppm) in cabbage and cauliflower and 0.4 ppm in broccoli and Brussels sprouts from this use. These levels have been judged adequate to protect the public health. No adverse effects to the environment are anticipated from this specific exemption.

It should be noted that a rebuttable presumption against registration (RPAR) of pesticide products containing benomyl was published in the Federal Register on December 6, 1977 (42 FR 61788). On Thursday, August 30, 1979 (44 FR 51166), EPA published in the Federal Register a preliminary notice of determination concluding the RPAR against benomyl. As developed in the position document, EPA has determined that benomyl poses risks of mutagenicity (as a spindle poison), teratogenicity, and spermatogenic depression to humans, and acute toxicity to aquatic organisms. EPA determined that other areas of concern had been successfully rebutted. EPA will require modification of labeling of benomyl pesticide products packaged in five-pound or larger bags or with aerial application directions. EPA has reflected this preliminary determination in imposing appropriate precautions in the specific exemption to protect employees working with benomyl.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of blackleg has occurred; (b) there is no pesticide presently registered and available for use to control blackleg in California; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if blackleg is not controlled; and (e) the time available for action to mitigate the prolems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until July 1, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Benlate 50 Percent Wettable Powder (EPA Registration No. 352-354) will be used.

2. Benlate will be applied at a maximum rate of eight ounces formulation (four ounces benomyl active ingredient) in sufficient water to treat one hundred pounds of seed.

3. Each seed lot may receive no more than a single application of benomyl.

4. Application of benomyl will be restricted to seeds on which infections have been confirmed or to seeds from areas where *Phoma lingam* is known to be present.

5. A maximum of 415,200 pounds of seeds may be treated.

6. Treated seeds will not be used for food, feed, or any other use except planting, and all shipments of seed must be so labeled.

7. Residues of benomyl, in the raw agricultural commodities, which result from treatment of the seeds are not likely to exceed 0.2 ppm in cabbage and cauliflower and 0.4 ppm in broccoli and Brussels sprouts. Cabbage, cauliflower, broccoli, and Brussels sprouts with residue levels not exceeding these levels may be shipped in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action.

8. Only seeds intended for commercial planting may be treated with benomyl. Benomyl-treated seeds will be clearly labeled as such.

9. The Applicant is responsible for insuring that the restrictions of this specific exemption are met, and must submit a report summarizing the results of this program by October 31, 1980.

10. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed.

11. The EPA shall be immediately informed of any adverse effects resulting from the use of benomyl in connection with this exemption; and

12. All applications will be made by, or under the direct supervision of, State-certified applicators. Applicators must wear dust masks when treating crucifer seeds with benomyl.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: January 4, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-1149 Filed 1-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1390-8]

Science Advisory Board, Economic Analysis Subcommittee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Economic Analysis Subcommittee of the Science Advisory Board will be held on February 21 and 22, 1980. The meeting will begin at 9:00 a.m. on both days, at EPA Headquarters in Waterside Mall, 401 M Street, SW., Washington, D.C. 20460, in the Administrator's Conference Room, number 1101 in the West Tower. The Subcommittee is meeting to continue work on a report to the Administrator and Assistant Administrators on "The Potential Role of Economic Analysis in Environmental Policy."

The meetings are open to the public. Any individual wishing to attend, participate, or obtain information should contact Mr. Jerry Smith, Staff Assistant, Economic Analysis Subcommittee, (202) 472-9444, by February 15, 1980.

Richard M. Dowd,

Staff Director, Science Advisory Board.

January 4, 1980.

[FR Doc. 80-1148 Filed 1-11-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-53009; FRL 1391-4]

Premanufacture Notices; Status Report for December 1979

AGENCY: Environmental Protection Agency (EPA, or the Agency).

ACTION: Monthly summary of premanufacture notices.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the Federal Register at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for December 1979.

DATE: Persons who wish to file written comments on a specific chemical substances should submit those comments no later than 30 days before the applicable notice review period ends.

ADDRESS: Written comments should bear the PMN number of the particular chemical substance, and should be submitted in triplicate to the Document Control Officer (TS-793), Office of Toxic Substances, EPA, 401 M St., SW, Washington, DC 20460.

Nonconfidential portions of the PMN's and other documents in the public record are available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday (excluding holidays), in Room E-447 at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Smith, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, EPA, Washington, D.C. 20460, telephone: 202/426-8816.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 day before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under sections 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. (Notice of availability of the Initial Inventory was published in the Federal Register on May 15, 1979 (44 FR 28558)). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purpose became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms (44 FR 2242, January 10, 1979). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy (44 FR 29564, May 15, 1979) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see the section entitled "Notice in the Federal Register" on p. 28567 of the Interim Policy.

EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

The monthly status report required under section 5(d)(3) will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period as ended during the month; and (d) chemical substances that EPA has added to the Inventory during the month.

(Section 5 of the Toxic Substances Control Act (90 Stat. 2012; 15 U.S.C. 2604))

Dated: January 8, 1980.

Marilyn C. Bracken,

Deputy Assistant Administrator for Program Integration and Information.

Premanufacture Notices Status Report for December 1979

I. Premanufacture Notices Received During the Month:

PMN No.	Identity/generic name	FR citation	Expiration date
5AHQ-1279-0039A	Polymer of styrene, 2-ethylhexyl methacrylate, isobutoxymethyl acrylamide, dimethylaminopropyl methacrylamid.	In preparation	Mar. 5, 1980
5AHQ-1279-0076	Generic name: 4-Amino-*N*-substituted benzene sulfonamide	do.	Mar. 9, 1980
5AHQ-1279-0079	Polymer of phthalic anhydnde, ethylene glycol, heptanol, and 2-ethylhexanol	44 FR 76856K(12/28/79)	Mar. 12, 1980.
5AHQ-1279-0080	Polymer of phthalic anhydride, 1,2-propylene glycol, 1,4-butanediol, 1-octanol, and 1-decanol.	do.	Do.
5AHQ-1279-0081	Polymer of phthalic anhydride, ehtylene glycol, heptanol, 1-octanol, and 1-decanol.	do.	Do.
5AHQ-1279-0082	Polymer of phthalic anhydride, 1,2-propylene glycol, 1,4-butanediol, and 2-ethylhexanol.	do.	Do.
5AHQ-1279-0083	Polymer of phthalic anhydride, 1,3-butylene glycol, 1-octanol, and 1-decanol	do.	Do.
5AHQ-1279-0084	Polymer of phthalic anhydnde, 1,3-butylene glycol, and 2-ethylhexanol	do. Do.	
5AHQ-1279-0077	Magnesium acrylate	In preparation	Do.
5AHQ-1279-0057A	Polymer of 5-substituted-1,3-benzenedicarboxylic acid; ethylene glycol; and ϵ-caprolactone.	do.	Mar. 17, 1980.
5AHQ-1279-0059A	Polymer of 5-substituted-1,3-benzendedicarboxylic acid; 1,4-cyclohexanedimethanol; ethylene glycol; ϵ-caprolactone; tolylene-2,4-diisocyanate; and 2-butenedioic acid.	do.	Do.

PMN No.	Identity/generic name	FR citation	Expiration date
5AHQ-1279-0060A	Polymer of 1,4-cyclohexane dimethanol and 2-butenedioic acid	do	Do.
5AHQ-1279-0085	Generic name: Alkenyltrialkoxysilane	do	Do.
5AHQ-1279-0086	1,3-benzenedicarboxylic acid, a polymer with 2,2-dimethyl-1,3-propanediol; 2-ethyl-2-(hydroxymethyl)-1,3-propanediol; nonanoic acid; and 3a,4,7,7a-tetrahydro-1,3-isobenzofurandione.	do	Mar. 18, 1980
5AHQ-1279-0087	Specific chemical identity claimed confidential, no generic name as yet assigned.	do	Mar. 17, 1980.
5AHQ-1279-0089	Generic name: Amido amine	do	Mar. 26, 1980.
5AHQ-1279-0090	Lithium-hydrogenated castor oil-tallow naphthenic acid	do	Do.
5AHQ-1279-0088	Generic name: Ring Halogenated cyclic dicarboxylic salt	do	Apr. 1, 1980.

II. Premanufacture Notices Received Previously and Still Under Review at the end of the Month:

PMN No.	Identity/generic name	FR citation	Expiration date
5AHQ-1079-0035	2-*tert*-Butyl-4-*sec* butylphenol	44 FR 59354 (10/17/79)	Jan. 1, 1980.
5AHQ-1079-0019A	Benzene, ethenyl-, tribromo derivative, homopolymer	44 FR 65671 (11/14/79)	Jan. 23, 1980
5AHQ-1079-0037(A)	Dodecenyl succinic acid mono alkylester	44 FR 65673 (11/14/79)	Jan. 27, 1980.
5AHQ-1179-0007A	(Alkyl hydroxymethyl alkanediol polymer with chloromethyl oxirane) alkanoate	44 FR 70216 (12/6/79)	Feb. 13, 1980.
5AHQ-1179-0010A	2-Ethyl hexyl-2-propenoate polymer with 2-methyl-2-propenoate and alkyl 2-propenoate.	do	Do.
5AHQ-1179-0070	Claimed Confidential	44 FR 76354 (12/28/79)	Feb. 14, 1980.
5AHQ-1179-0073	1,3-Benzenedicarboxylic acid, polymer with E 2-butenedioic acid, 1,2-propanediol, and 1,3-butadiene.	44 FR 70321 (12/10/79)	Feb. 21, 1980.
5AHQ-1179-0074	1,3-Benzenedicarboxylic acid, polymer with E 2-butenedioic acid, 1,2-propanediol, and 1,3-butadiene acrylonitrile.	do	Do.

III. Premanufacture Notices for which the Notice Review Period Has Ended During the Month:

PMN No.	Identity/generic name	FR citation	Expiration date
5AHQ-0979-0016	*n*-Methanesulfonyl-*p*-toluene sulfonamide	44 FR 54118 (9/18/79)	Dec. 4, 1979.
5AHQ-0979-0022	Potassium salt of polyfunctional aliphatic acid oligomer	44 FR 55416 (9/26/79)	Dec. 17, 1979.
5AHQ-0979-0023	Ammonium salt of polyfunctional aliphatic acid oligomer	do	Do.
5AHQ-0979-0011(A)	Poly(vinyl acetate, acrylic acid, butylacrylate dioctyl maleate, 2-ethylhexyl acrylate).	44 FR 57483 (10/5/79)	Dec. 23, 1979.
5AHQ-0979-0024	2,2'-Methylenebis (4-*sec*-butyl-6-*tert*-butylphenol)	44 FR 58800 (10/11/79	Dec. 25, 1979.
5AHQ-0979-0025	2,2'-Ethylidenebis (4-*sec*-butyl-6-*tert*-butylphenol)	do	Do.
5AHQ-1079-0030	Magnesium dodecylbenzene sulfonate salt	44 FR 59353 (10/17/80)	Dec. 30, 1979.

IV. New Chemical Substances that EPA Has Added to the Inventory During the Month: None.

[FR Doc. 80-1152 Filed 1-11-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1136]

Marion International, Inc.; Order of Revocation

Marion International, Inc., 26 Broadway, New York, New York 10004, has notified the Commission that it ceased ocean freight forwarding operations on August 31, 1979, and has requested that its Independent Ocean Freight Forwarder License No. 1136 be revoked.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1136 issued to Marion International, Inc., be and is hereby revoked effective August 31, 1979, without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1136, issued to Marion International, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Marion International, Inc.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 80-1148 Filed 1-11-80; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 24, 1980. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: T-3882.

Filing Party: Eric G. Andersen, Vinson & Elkins, 1101 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

Summary: Agreement No. T-3882, between LaJet, Inc. (LaJet) and the South Louisiana Port Commission (Port), is a lease agreement providing for the construction and use of a petroleum dock, wharf, and related storage

facility in the Parish of St. James, Louisiana. The agreement provides for the issuance of $18,650,000 of industrial revenue bonds to finance the project. LaJet will pay rental for the facility in an amount necessary to meet the payment of principal and interest due on the bonds over a twelve-year period.

By Order of the Federal Maritime Commission.

Dated: January 9, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-1147 Filed 1-11-80; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 24, 1980. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: T-3501-1 and No. T-3501-A.

Filing Party: Peter P. Wilson, Matson Navigation Company, 100 Mission Street, San Francisco, California 94105.

Summary: Agreement No. T-3501, between the City of Richmond, California (City), and Matson Terminals, Inc. (Matson), provides for Matson to operate and manage the City's container terminal at the south end of 10th Street, Richmond, California, Matson will collect and pay the City all charges assessed in accordance with the City's container terminal tariff. All expenses incurred in and revenues derived from the operation of the terminal shall be shared by the City and Matson. Agreement No. T-3501-1 modifies the basic agreement by reflecting increased acreage at Terminal No. 3; to provide that Matson Terminals, Inc., will perform equipment maintenance as well as equipment repair work and to reflect that the container terminal is now operational. Agreement No. T-3501-A, between the same parties provides that Matson may act as purchasing agent for the city for the purchase of specified container handling equipment needed for the terminal. Matson will arrange for the construction, delivery, installation, testing, and placing in operating condition the equipment purchased. There is no reimbursement to Matson for the purchase agreement other than for its costs.

By Order of the Federal Maritime Commission.

Dated: January 9, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-1137 Filed 1-11-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Glidden First National Holding Co.; Formation of Bank Holding Company

Glidden First National Holding Co., Glidden, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 81.8 per cent or more of the voting shares of The First National Bank in Glidden, Glidden, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1091 Filed 1-11-80; 8:45 am]

BILLING CODE 6210-01-M

Howells Investment Co.; Formation of Bank Holding Company

Howells Investment Company, Howells, Nebraska, has applied for the Board's approval under sections 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become company by acquiring 95.2 per cent or more of the voting shares of Howells State Bank, Howells, Nebraska. The factors that are considered in acting on the application are set forth in sections 3(c) of the Act (12 U.S.C. sections 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be recieved not later than February 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, indentifying specifically any question of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1089 Filed 1-11-80; 8:45 am]

BILLING CODE 6210-01-M

Jan-Mar Corp.; Proposed Retention of General Insurance Agency Activities

Jan-Mar Corp., Coleraine, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to continue to engage in general insurance agency activities, including the sale of fire, homeowners, auto, casualty, life, accident, and health insurance, and all types of surety bonds, in a town that has a population not exceeding 5,000. This activity would continue to be performed from offices of Applicant, d/b/a/ The First National Agency, in Coleraine, Minnesota, serving Coleraine, Minnesota, and areas within 5 miles of Coleraine. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater

convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 7, 1980.

Board of Governors of the Federal Reserve System January 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1092 Filed 1-11-80; 8:45 am]

BILLING CODE 6210-01-M

Vienna Bancorp, Inc.; Formation of Bank Holding Company

Vienna Bancorp, Inc., Vienna, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87.1 per cent of the voting shares of Drovers State Bank, Vienna, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1090 Filed 1-11-80; 8:45 am]

BILLING CODE 6210-01-M

Northwest Indiana Bancshares, Inc.; Formation of Bank Holding Company

Northwest Indiana Bancshares Inc., North Webster, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Counting House Bank, North Webster, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 8, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 8, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1171 Filed 1-11-80; 8:45 am]

BILLING CODE 6210-01-M

Fidelity Southern Corp.; Formation of Bank Holding Company

Fidelity Southern Corporation, Decatur, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less directors' qualifying shares) of the voting shares of Fidelity National Bank, Decatur, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 4, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 4, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1172 Filed 1-11-80; 8:45 am]

BILLING CODE 6210-01-M

Fidelity Union Bancorporation; Acquisition of Bank

Fidelity Union Bancorporation, Newark, New Jersey, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Garden State National Bank, Paramus, New Jersey. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 30, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 3, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1173 Filed 1-11-80; 8:45 am]

BILLING CODE 6210-01-M

Toledo Trustcorp, Inc.; Acquisition of Bank

Toledo Trustcorp, Inc., Toledo, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of National Bank of Defiance, Defiance, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 8, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 8, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1174 Filed 1-11-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than February 8, 1980.

A. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

NCNB Corporation, Charlotte, North Carolina (mortgage banking and insurance activities; North Carolina): to engage, through its subsidiary, NCNB Mortgage Corporation, in making and selling residential mortgage loans, and in making construction and development mortgage loans; and in acting as agent for the sale of credit life and credit accident and health insurance directly related to its origination of residential mortgage loans. These activities would be conducted from an office in Asheville, North Carolina, serving Buncombe, Cherokee, Macon, Transylvania, Henderson, McDowell, Yancey, Madison, Haywood, Swain, Graham, and Jackson Counties, North Carolina. Comments on this application must be received by January 29, 1980.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Associated Banc-Corp, Green Bay, Wisconsin (mortgage banking activities; Wisconsin): to engage, through its subsidiary known as Associated Mortgage, Inc., in making, acquiring, and servicing loans and other extensions of credit secured by real estate mortgages. These activities would be conducted from an office in Waukesha County and would serve Southeastern Wisconsin.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, January 8, 1980.

Griffith L. Garwood,

Deputy Secretary of the board.

[FR Doc. 80-1175 Filed 1-11-80; 8:45 am]

BILLING CODE 6210-01-M

Bank of New York Co. Inc.; Proposed Acquisition of the Bank of New York Life Insurance Co.

The Bank of New York Company, Inc., New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of The Bank of New York Life Insurance Company, Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activities of underwriting, on a reinsurance basis, credit insurance directly related to the extension of installment credit by the Applicant's principal subsidiary, The Bank of New York. These activities would be performed from offices of Applicant's subsidiary in Phoenix, Arizona, and the geographic area to be served is in New York State. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 7, 1980.

Board of Governors of the Federal Reserve System, January 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-1176 Filed 1-11-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 106; Application No. 59269]

Pacific Telephone & Telegraph Co., California Public Utilities Commission; Proposed Intervention in Telephone Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the California Public Utilities Commission concerning the application of the Pacific Telephone and Telegraph Company for an increase in

telecommunications rates. GSA represents the interest of the executive agencies of the U.S. Government as users of telecommunications services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets, N.W., Washington DC (mailing address: General Services Administration (LT), Washington, DC 20405), telephone 202–566–0750, on or before February 13, 1980, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administration Services Act, 40 U.S.C. 481(a)(4))

Dated: January 3, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-1163 Filed 1-11-80; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

Graduate Medical Education National Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of February 1980:

Name: Graduate Medical Education National Advisory Committee.

Date and Time: February 11–12, 1980, 8:30 a.m.–5 p.m.

Place: Room 525–A, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The Graduate Medical Education National Advisory Committee is responsible for advising and making recommendations with respect to: (1) present and future supply and requirements of physicians by specialty and geographic location; (2) ranges and types of numbers of graduate training opportunities needed to approach a more desirable distribution of physician services; (3) the impact of various activities which influence specialty distribution and the availability of training opportunities including systems of reimbursement and the financing of graduate medical education.

Agenda: This meeting will deal with continued review of individual specialties as well as discussion of geographic, financing, and nonphysician issues pointing toward the development of Final Report.

Due to limited seating, attendance by the public will be provided on a first-come, first-serve basis.

Anyone wishing to obtain a roster of members, minutes of meeting, other relevant information, or specific details for each day should contact Mr. Paul Schwab, Executive Secretary, Room 10–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–7170.

Agenda items are subject to change as priorities dictate.

Dated: January 7, 1980.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 80-1030 Filed 1-11-80; 8:45 am]

BILLING CODE 4110-83-M

National Institutes of Health

General Clinical Research Centers Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, February 11–12, 1980. The meeting will be held at Cypress Inn, Lincoln Street, Carmel-by-the-Sea, California 93921.

The meeting will be open to the public on February 11, 1980, from 9:00 a.m. to 11:00 a.m., to discuss administrative matters. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 11, 1980, from 11:00 a.m. to recess and on February 12, from 8:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B–13, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545 will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Rm. 5B51 National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6595, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.333, National Institutes of Health)

Dated: January 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-1111 Filed 1-11-80; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Institute Committees; Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463, 86 Stat. 770–776), the Director, National Institutes of Health, announces the renewal by the Director, NCI, of the following committees:

Committee and Termination Date

Bladder and Prostatic Cancer Review Committee—January 3, 1982

Board of Scientific Counselors, Division of Cancer Cause & Prevention—January 3, 1982

Clinical Cancer Program Project & Cancer Center Support Review Committee—January 3, 1982

Large Bowel and Pancreatic Cancer Review Committee—January 3, 1982

Authority for these committees will expire on the dates indicated, unless renewed by appropriate action as authorized by law.

Dated: January 7, 1980.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 80-1112 Filed 1-11-80; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Institute; Meetings for the Review of Grant Applications

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications, as indicated. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information

concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, unless otherwise stated.

Name of committee: Cancer Clinical Investigation Review Committee
Dates: February 25-26, 1980
Place: Building 31C, Conference Room 6, National Institutes of Health
Times: Open: February 25, 8:30 a.m.-12:00 noon
Agenda: Mini-symposium on "The Role of Radiotherapy in Cooperative Clinical Trials."
Closed: February 25, 1 p.m.-5 p.m., February 26, 8:30 a.m.-adjournment.
Closure reason: To review grant applications
Executive secretary: Dorothy K. Macfarlane, M.D.
Address: Westwood Building, Room 819, National Institutes of Health, phone: 301/496-7481

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health)

Name of committee: Cancer Special Program Advisory Committee
Dates: March 13-14, 1980
Place: Building 31C, Conference Room 10, National Institutes of Health
Times: Open: March 13, 9 a.m.-10 a.m. Closed: March 13, 10 a.m.-5 p.m. March 14, 8:30 a.m.-adjournment
Closure reason: To review grant applications
Executive secretary: Dr. William R. Sanslone
Address: Westwood Building, Room 805, National Institutes of Health, phone: 301/496-7565

(Catalog of Federal Domestic Assistance Number 13.392, National Institutes of Health)

Dated: January 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institute of Health.

[FR Doc. 80-1113 Filed 1-11-80; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Advisory Board Subcommittees; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees, January 20-23, 1980, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

Some of these meetings will be open to the pulic to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Some of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(4) and section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Some of these meetings will be closed in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, to discuss the President's fiscal year 1981 budget.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of committee: *National Cancer Advisory Board*
Date and place of meeting: January 21-23, 1980, Building 31C, Conference Room 6
Open: January 21, 1 p.m.-adjournment, January 23, 8 a.m.-11 a.m.
Agenda: Reports on activities of the National Cancer Program, the NCI's Office of Cancer Communications, the Frederick Cancer Research Center, short term training, legislation, and Board Subcommittees.
Closed: January 22, 9 a.m.-adjournment, January 23, 11 a.m.-adjournment
Closure reason: To review research grant applications and the President's fiscal year 1981 budget.

Name of committee: *Subcommittee on Organ Site Programs*
Date and place of meeting: January 20, 1980, Building 31C, Conference Room 7
Open: January 20, 8:15 p.m.-adjournment
Agenda: To discuss procedures by which the Subcommittee will operate.
Closed: January 20, 7:30 p.m.-8:15 p.m.
Closure reason: To review research grant applications.

Name of committee: *Subcommittee on Special Actions for Grants*
Date and place of meeting: January 21, 1980, 8:30 a.m.-adjournment, Building 31C, Conference Room 6
Closed for the entire meeting
Agenda: To review research grant applications.

Name of committee: *Subcommittee on Construction*
Date and place of meeting: January 21, 1980, 8 p.m.-adjournment, Building 31C, Conference Room 9
Open for the entire meeting
Agenda: Review of the Subcommittee's final report on construction and the problem of shortage of funds.

Name of committee: *Subcommittee on Centers*
Date and place of meeting: January 21, 1980, 8 p.m.-adjournment, Building 31C, Conference Room 7
Closed for the entire meeting
Agenda: To review research grant applications.

Name of committee: *Subcommittee on Environmental Carcinogenesis*
Date and place of meeting: January 22, 1980, 8 a.m.-9 a.m., Building 31C, Conference Room 6
Open for the entire meeting
Agenda: Review of topics to be considered during the year.

Name of committee: *Subcommittee on Planning and Budget*
Date and place of meeting: January 22, 1980, 7:30 p.m.-adjournment, Building 31C, Conference Room 9
Closed for the entire meeting
Agenda: To review the President's fiscal year 1981 budget.

(Catalog of Federal Domestic Assistance Program Numbers 13.392, 13.399, National Institutes of Health)

Dated: January 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-1114 Filed 1-11-80; 8:45 am]

BILLING CODE 4110-08-M

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-643, notice is hereby given of meetings of the National Diabetes Advisory Board on February 12 and 13, 1980, at the Old Town Holiday Inn, 480 King Street, Alexandria, Virginia.

The Executive Committee meeting will be held on February 13, 1980 at 3:00 p.m. The Board meeting will be held on February 12, 1980 at 9:00 a.m.

The meetings, which will be open to the public, are being held to continue review of the status and implementation of national diabetes programs. Attendance by the public will be limited to space available.

Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Maryland 20014, (301) 496-6045, will provide summaries of the meetings and a roster of the committee members.

Dated: January 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-1115 Filed 1-11-80; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Eye Council; Meeting

Pursuant to Pub. L. 92–643, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, February 4, 5, and 6, 1980, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. for the remainder of the day on Monday, February 4, for opening remarks by the Director, National Eye Institute, discussion of procedural matters, and presentations by the extramural staff of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public for the two remaining days, Tuesday and Wednesday, February 5 and 6, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Julian Morris, Chief, Office of Scientific Reports and Program Planning, National Eye Institute, Building 31, Room 6A–25, AC 301/496–5248, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–04, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health)

Dated: January 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-1116 Filed 1-11-80; 8:45 am]

BILLING CODE 4110-08-M

National Institute of Allergy and Infectious Diseases, Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, February 28 and 29, 1980, in Building 5, Room 216, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on February 28 from 8:30 a.m. until 5:00 p.m. During this open session, the permanent staff of the Laboratory of Immunology will present and discuss their immediate past, and present research activities.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting of the Board will be closed to the public on February 29 from 9:00 a.m. until adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, and the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meeting and rosters of the Board members.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, NIH, Building 5, Room 137, telephone (301) 496–2144, will provide substantive program information.

Dated: January 8, 1980.

(Catalog of Federal Domestic Assistance Program No. 13–301, National Institutes of Health)

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-1117 Filed 1-11-80; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Dental Research Council; Meeting

Notice is hereby given of a time change in the meeting of the National Advisory Dental Research Council, on February 1, 1980, which was published in the Federal Register on December 17, 1979 (44 FR 73162).

The Council was to have met at 9:00 a.m. but has been changed to meet at 8:30 a.m., in Conference Room 9, Building 31–C, National Institutes of Health, Bethesda, Maryland.

(Catalog of Federal Domestic Assistance Programs, Nos. 13–840 through 13–845, and 13–878, National Institutes of Health)

Dated: January 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-1118 Filed 1-11-80; 8:45 am]

BILLING CODE 4110-03-M

Communicative Disorders Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institutes of Health, February 3–5, 1980, in Conference Room 4, Building 31–A, Bethesda, MD 20205.

The meeting will be open to the public from 8:00 p.m. to 10:00 p.m. on February 3rd, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 4th from 9:00 a.m. to adjournment on February 5th, for the review, discussion, and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A02, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Ernest J. Moore, Executive Secretary, NINCDS, NIH, Federal Building, Room 9C14, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

Dated: January 8, 1980.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health)

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-1119 Filed 1-11-80; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Administration

[Docket No. N-80-969]

Proposed Reorganization

AGENCY: Department of Housing and Urban Development/Office of the Assistant Secretary for Administration.

ACTION: Notice of proposed Indian programs reorganization.

SUMMARY: The Department has developed a plan for restructuring its field organization to improve the delivery and administration of Indian Programs. The purpose of the restructuring is to provide a more centralized and focused, coherent, and productive emphasis on Indian Programs. This notice complies with Section 908 of the Housing and Community Development Amendments of 1978, Pub. L. 95th Congress, 2nd Session which requires that the Department publish in the Federal Register a cost benefit analysis of the effect of the restructuring on each Field Office involved. The plan will not become effective until a further Notice is published in the Federal Register. That Notice will not be published until at least 90 days from the date of this Notice.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Lynn, Office of Organization and Management Information, Department of Housing and Urban Development, Washington, D.C. 20410 (202) 755-5206.

SUPPLEMENTAL INFORMATION: In accordance with section 908 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 95th Congress, 2d Sess, the Department of Housing and Urban Development is hereby publishing a cost benefit analysis of the effect on each Field Office involved of a proposed plan to restructure the manner in which it administers its Indian Programs. A finding of inapplicability with respect to environmental impact has been prepared in accordance with HUD procedures.

A. Introduction and Background

The Department of Housing and Urban Development is restructuring its field organization to improve the delivery and administration in Indian programs. The purpose of the restructuring is to provide a more centralized and focused, coherent, and productive emphasis on Indian programs.

The Department is proposing these changes in response to the expressed concerns of Indian clients regarding the level and quality of service provided by HUD. Because of these concerns, the Department examined the manner in which Indian programs are delivered and determined that the current delivery system is ineffective. It was determined that staff is spread too thin, that Indian programs are more staff intensive than non-Indian programs, that Indian program staffing is being diverted to non-Indian programs, that Indian programs require direct sustained personal contact with clients and that Indian programs require special knowledge, skills and training. The following proposal attempts to address these issues.

B. Description of Proposed Changes

Responsibility for administering and delivering all Departmental Indian programs will be vested in five Offices of Indian Programs, plus the Anchorage Area Office. The location and jurisdiction of these offices follow:

A new Office of Indian Programs will be established in the Regional Office of Region V (Chicago) serving all locations in Region I (Boston), Region II (New York), Region III (Philadelphia), Region IV (Atlanta), and Region V (Chicago), plus all locations in the State of Iowa.

The existing Office of Indian Programs in the Regional/Area Office of Region VIII (Denver) will serve all locations in that Region, plus all locations in the State of Nebraska.

A separate Office of Indian Programs will be established within the Oklahoma City Area Office which will continue serving all locations in the State of Oklahoma and in addition will serve, Kansas, Missouri, Texas, Arkansas, and Louisiana. This office will report to the Area Manager.

The existing Office of Indian Programs in the Regional Office of Region IX (San Francisco) will continue to serve all locations in that Region, plus all locations in the State of New Mexico. Some staff of this Office will continue to be duty stationed in field offices located in Phoenix and Albuquerque to provide localized service in Arizona and New Mexico.

A new Office of Indian Programs will be established in the Regional Office in Region X (Seattle) serving all locations in that Region, except for the State of Alaska. A group of Indian Program specialists which is now a part of the Seattle Area Office serving the State of Washington only, will be included in this new Office.

The existing Anchorage Area Office will serve all locations in the State of Alaska.

All Indian activities for the Department's housing and community planning and development programs will be administered through the Offices indicated above, rather than through the Department's normal field structure.

At Headquarters a position will be established in the Office of Policy Planning under the Assistant Secretary for Community Planning and Development (CPD) to work exclusively with Indian and Alaska Native CPD programs. Indian Housing Programs will continue to be administered by the recently established Office of Indian Housing under the Deputy Assistant Secretary for Public Housing and Indian Programs. The position and functions of Special Assistant for Indian Programs will continue without change.

C. Cost-Benefit Analysis.

1. *Cost Savings.* The Department does not anticipate any tangible dollar savings to accrue from the proposed reorganization. Substantial intangible gains will be made by the Department and Indian program participants. These are described in Item 4 below.

2. *Additional Costs.* The Department anticipates the following estimated increased costs.

a. *One-time Costs ($100,000).*—(1) *Movement of equipment, space and telephone alterations.* HUD estimates one-time costs of $2000/per position × 50 positions=$100,000.

b. *Recurring Costs ($125,085 annually).*—(1) *Space Costs.* It is anticipated that additional space costs will not be offset in three locations because excess space in the losing locations cannot be released due to the limited amount available in each location. Recurring space costs are estimated to be:

Chicago $15/sq. ft. × 30 employees × 170 sq. ft./employee=$76,500
Oklahoma City $10/sq. ft. × 6 employees × 170 sq. ft./employee=$10,200
Seattle $10/sq. ft. × 10 employees × 170 sq. ft./employee=$17,000
Annual Total=$103,700

(2) *Travel Costs.* Centralizing Indian programs in Chicago, Oklahoma City, Denver and Seattle will result in increased travel costs.

It is difficult to estimate what the increase in travel costs will be because the number of visits by HUD staff is difficult to calculate. HUD staff visits to projects in development vary depending on the size of the project, complexity of site, environmental problems, etc. Additionally, direct cost comparisons are difficult because more than one

project can be visited on one trip. Other HUD staff must monitor projects in management; Community Development Block Grant (CDBG) recipients must be visited annually and recipients of Section 701 Comprehensive Planning grants must also be visited.

Therefore, an approximate measure of travel requirements for all Indian programs would be the number of Indian Housing Authorities served. It is estimated that HUD staff make seven visits annually to each Indian Housing Authority (IHA). (See Appendix 1) We also estimate that the increase in travel to cover Indian Housing Authorities being served out of new locations would be $65/day. Thus, 47 IHA's being serviced out of new locations × seven visits per year (one day each) × $65/day=$21,385 in additional annual travel costs.

3. *Impact on Local Economies.* The proposed reorganization will have no measurable impact on any single locality. As Appendix II demonstrates, the magnitude of movement of staff from location to location in relation to the size of affected communities is insignificant in terms of its possible impact on housing markets, schools, public services, tax bases, employment, and traffic congestion. Furthermore, it is anticipated that no HUD staff qualify for involuntary transfer to the gaining offices, thus, no individuals are expected to move—unless they desire to do so.

4. *Impact on the Quality of Services.* Currently, the provision of Indian programs is fragmented among 34 HUD offices throughout the Nation. This has resulted in the delivery problems discussed in Part A above. The proposal would consolidate the delivery of Indian programs in only six locations. While this will increase the distance clients will have to travel to do business with HUD, the level and quality of service provided will more than outweigh any inconvenience to HUD clients. Also, as Appendix I indicates, only 47 of the 156 Indian Housing Authorities will be directly affected by these changes. Specifically, service to clients will be improved by:

a. Consolidating scarce, technical resources in fewer locations for increased efficiency.

b. Providing HUD staff, dedicated to solving Indian problems, to work exclusively with Indian programs.

c. Ensuring timely processing of projects and applications through better management of the program in fewer locations.

d. Monitoring and evaluating field office performance by specialized Headquarters staff.

e. Improving coordination with the Bureau of Indian Affairs and the Indian Health Service.

(Sec. 107(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d) and Section 908 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 95th Congress, 2d Session)

Issued at Washington, D.C., January 9, 1980.

William A. Medina,
Assistant Secretary for Administration.

Appendix I.—*Location and Number of Indian Housing Authorities Under Reorganization Plan*

HUD office	Current responsibility State and number		New responsibility by State and number	
Chicago OIP	None		Connecticut	[1] (1)
			Maine	[1] (3)
			New York	[1] (1)
			Florida	[1] (1)
			Mississippi	[1] (1)
			North Carolina	[1] (2)
			Michigan	[1] (6)
			Minnesota	[1] (6)
			Wisconsin	[1] (11)
			Iowa	[1] (1)
Oklahoma City OIP	Oklahoma	(19)	Oklahoma	(19)
			Texas	[1] (2)
			Kansas	[1] (3)
Denver OIP	Colorado	(2)	Colorado	(2)
	Montana	(7)	Montana	(7)
	North Dakota	(5)	North Dakota	(5)
	South Dakota	(8)	South Dakota	(8)
	Utah	(3)	Utah	(3)
	Wyoming	(1)	Wyoming	(1)
			Nebraska	[1] (3)
San Francisco OIP	California	(9)	California	(9)
	Arizona	(14)	Arizona	(14)
	New Mexico	(6)	New Mexico	(6)
	Nevada	(6)	Nevada	(5)
Seattle OIP	Washington	(16)	Washington	(16)
			Idaho	[1] (3)
			Oregon	[1] (3)
Anchorage area office	Alaska	(13)	Alaska	(13)
Total		109		156

[1] States and numbers of Indian Housing Authorities affected by the proposed plan.

Appendix II.—*HUD Staffing Impact on Localities*

Staff years: [1]	HUD office change	Region	Local population (1970 Census)	
−.4	Boston area office	I	Boston, Mass	641,000
−2.36	Manchester service office	I	Manchester, N.H	88,000
−.38	Hartford area office	I	Hartford, Conn	156,000
−1.38	Buffalo area office	II	Buffalo, N.Y	463,000
−.3	Richmond area office	III	Richmond, Va	250,000
−.7	Greensboro area office	IV	Greensboro, N.C	144,000
−.42	Jackson area office	IV	Jackson, Miss	154,000
−1.49	Jacksonville area office	IV	Jacksonville, Fla	529,000
+33.0	Chicago regional office	V	Chicago, Ill	3,367,000
−.91	Chicago area office	V	Chicago, Ill	3,367,000
−1.30	Detroit area office	V	Detroit, Mich	1,511,000
−2.75	Grand Rapids service office	V	Grand Rapids, Mich	198,000
−11.15	Milwaukee area office	V	Milwaukee, Wis	717,000
−6.84	Minneapolis/St. Paul area office.	V	Minneapolis/St. Paul, Minn	734,000
−.7	Fort Worth regional office	VI	Fort Worth, Tex	393,000
−.5	Dallas area office	VI	Dallas, Tex	844,000
−.4	Houston service office	VI	Houston, Tex	1,213,000
−.1	New Orleans area office	VI	New Orleans, La	593,000
+4.0	Oklahoma City area office	VI	Oklahoma City, Okla	366,000
−.73	Kansas City regional office	VII	Kansas City, Kans	168,000
−.67	Kansas City area office	VII	Kansas City, Mo	507,000
−.56	Topeka V&E station	VII	Topeka, Kans	125,000
−3.7	Omaha area office	VII	Omaha, Nebr	347,000
−.23	St. Louis area office	VII	St. Louis, Mo	608,000
+3.7	Denver regional/area office	VIII	Denver, Colo	515,000
+8.0	Seattle area office	X	Seattle, Wash	524,000
−4.24	Portland area office	X	Portland, Oreg	375,000

[1] Based on fiscal year 1979 utilization extrapolated to fiscal year 1980 staff allocations for all Indian Programs.

[FR Doc. 80-1259 Filed 1-11-80; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Yankton Sioux Tribe of Indians; Plan for the Use and Distribution of Yankton Sioux Judgment Funds in Docket 332-C-1 Before the U.S. Court of Claims

January 4, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use of distribtuion of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on April 23, 1979, in satisfaction of the award granted to the Yankton Sioux Tribe in Indian Claims Commission Docket 332-C-1. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated October 1, 1979, and was received (as recorded in the Congressional Record) by the House of Representatives on October 2, 1979 and by the Senate on October 3, 1979. Congress not having adopted a resolution disapproving it, the plan became effective on December 7, 1979, as provided by Section 5 of the 1973 Act, *supra.*

The plan reads as follows: "The funds appropriated on April 23, 1979, in satisfaction of an award granted to the Yankton Sioux Tribe in Docket 332-C-1 before the U.S. Court of Claims, less atttorney fees and litigation expenses, and including all interest and investment income accured, shall be used and distributed as provided herein.

Per Capita Payment Aspect

Eighty (80) percent of the funds shall be distributed by the Secretary of the Interior (hereinafter "Secretary") in the form of per capita payments, in a sum as equal as possible, to all persons duly enrolled as tribal members and born on or prior to and living on the effective date of this plan.

Programming Aspect

Land Purchase Program

Ten (10) percent of the funds shall be invested by the Secretary and this amount and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, in the Yankton Sioux Tribal Land Purchase Program.

Business Loans Programs

Five (5) percent of the funds shall be invested by the Secretary and this amount and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, in the Yankton Sioux Tribal Business Loans Programs.

Senior Members Benefits Program

Two (2) percent of the funds, and any amounts remaining from the per captia payment provided above, shall be invested by the Secretary, and this amount and the interest and investment income accrued shall be distributed in payments as equal as possible to all tribal members who have attained the age of at least sixty (60) years on the date such payments are declared. Such date shall not be earlier than one full year of the date that per capita payments, as provided above, are actually made.

Higher Education Assistance Program

Ten (10) percent of the funds shall be invested by the Secretary and this amount and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, in the tribe's Higher Education Assitance program in the form of grants and loans.

General Tribal Needs

Ten (10) percent of the funds shall be invested by the Secretary and this amount and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, for general tribal needs including administrative operations.

General Provisions

The per capita shares of living competent adults shall be paid directly to them except as provided below. Shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D. Shares of legal

incompetents shall be handled pursuant to 25 CFR 104.5. Shares of minors shall be handled pursuant to 25 CFR 60.10 (a) and (b)(1) and 104.4.

Adults who are determined by the Yankton Business and Claims Committee and the Agency Superintendent to be in arrears in debts owed to the tribe shall have their shares placed in Individual Indian Money (IIM) accounts; and the Agency Superintendent shall have the authority to apply all or part of such shares to the payment of delinquent debts. The shares of adults who have assigned such shares to the Agency Superintendent to cover loans shall be sent to the Agency Superintendent who shall direct such shares to the appropriate lending institutions. The debtors shall endorse the per capita checks and receive any unencumbered balances.

Should any funds in any of the above-cited general program categories not be needed or be found in excess of programing goals in any given annual budget, such funds may be transferred by the Business and Claims Committee, with the approval of the Secretary, to another of the above-cited general program categories.

None of the funds distributed per capita or made available under the programing aspects of this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local programs.

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-1094 Filed 1-11-80; 8:45 am]

BILLING CODE 4310-02-M

Geological Survey

[Int FES 80-1]

Availability of Final Environmental Statement on Development of Coal Resources, Northern Powder River Basin, Mont.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior and the State of Montana have jointly prepared a final regional environmental impact statement in two volumes on proposed coal development and associated activities in southeastern Montana. The final statement describes an area of about 7,500 square miles in the portion of the Powder River Basin in Montana exclusive of the Crow and Northern Cheyenne Indian Reservations.

The environmental statement analyzes the cumulative impacts of three different projected rates of coal development in the region, and analyzes the impacts resulting from specific mining and reclamation plans for the expansion of the Big Sky mine, the proposed Pearl mine, the recently approved Spring Creek mine, and the expansion of the mine mouth coal-fired electrical generation complex at Colstrip, Montana. The site specific analysis of the proposed Pearl mine is presented as a separate volume of this statement. Site specific analyses of the Spring Creek mine (FES 79-10) and the Big Sky mine (FES 79-46) were completed and published separately on February 28, 1979, and September 25, 1979, respectively. The Spring Creek mine was approved by the Office of Surface Mining Reclamation and Enforcement (OSM), Department of the Interior, on April 11, 1979.

Of the projected regional coal production of 88 million tons per year (mty) through the year 1990, 13 mty would originate from the Spring Creek mine and the two proposed mines, and 75 mty from other existing and projected coal mines to be developed in the region. The proposed Colstrip electric power generation units 3 and 4 would require about 6 mty. The two proposed mining and reclamation plans are for surface coal mines on existing Federal and private coal leases in Rosebud and Big Horn Counties, Montana. These plans were submitted for review prior to the revision of the 30 CFR Part 211 regulations (43 FR 37181 *et seq.*, August 22, 1978), which incorporated the initial regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and were also submitted prior to the April 12, 1979, effective date of the permanent regulatory program on Federal lands under SMCRA, 30 CFR Subchapter D, 44 FR 15332, March 13, 1979. Reviews of the two pending mine plans for compliance with the applicable requirements of SMCRA and implementing regulations have not been completed by OSM. Prior to making any decision on approval of the two proposed mining and reclamation plans, OSM will perform a technical review for compliance with SMCRA and the applicable regulations. Once the mine plans conform to the applicable requirements of those authorities, OSM will evaluate whether the final environmental impact statement is adequate for mine plan approval actions or whether a supplement or other environmental documents need to be prepared and distributed.

Comments received on the draft environmental statement during the comment period were considered in the preparation of and are reproduced in the final environmental statement. Public hearings on the draft environmental statement were held in Forsyth, Montana, on August 22, 1979, and in Sherdian, Wyoming, on August 23, 1979.

The final statement is available for public review at the U.S. Geological Survey Library, 1526 Cole Blvd., Golden, Colo.; the U.S. Geological Survey Library, Room 4A100, National Center, Reston, Va.; the Montana Department of State Lands, 1625 11th Avenue, Helena, Mont.; the Bureau of Land Management, P.O. Box 940, Miles City, Mont.; U.S. Geological Survey, Area Mining Supervisor's Office, Federal Building/Courthouse, 111 South Wolcott, Room 305, Casper, Wyo.; Forest Supervisor's Office, Custer National Forest, 2602 First Avenue North, Billings, Mont.; Area Director's Office, Bureau of Indian Affairs, 316 North 26th St., Billings, Mont.; Area Manager, U.S. Fish & Wildlife Service, 313 North 26th St., Billings, Mont.; the Sheridan County Fulmer Public Library, 320 North Brooks, Sheridan, Wyo.; the Big Horn County Public Library, 419 North Custer Avenue, Hardin, Mont.; the Montana State Library, 930 East Lyndale, Helena, Mont.; and the Rosebud County Library, 201 North 9th Avenue, Forsyth, Mont.

A limited number of copies are available on request from the U.S. Geological Survey, Land Information and Analysis Office, Federal Center, Mail Stop 701, Denver, Colo. 80225; and the Montana Department of State Lands, 1625 11th Avenue, Helena, Mont. 59601.

Dated: January 9, 1980.

James H. Rathlesberger,

Special Assistant to Secretary of the Interior.

[FR Doc. 80-1138 Filed 1-11-80; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Kalaupapa National Historical Park Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a public meeting of the Kalaupapa, Hawaii. The meeting will be on January 29, 1980, and will begin at 10:00 a.m., HST at Paschoal Hall.

The purpose of the meeting is to review with the patients a draft recommendation for the future of Kalaupapa Settlement prepared by the National Park Service.

All portions of the meeting are open to the public, but those who wish to attend should be aware that permission to visit Kalaupapa must be obtained in advance from the State of Hawaii Department of Health and that transportation arrangements to and on the Kalaupapa peninsula and food must be arranged for

individually. Anyone may file, with the Commission, a written statement concerning matters to be discussed. A summary of the meeting will be available for public inspection four weeks after the meeting at the Hawaii State Office, National Park Service, 300 Ala Moana Blvd., Room 6305, Honolulu, Hawaii 96850.

Dated: December 21, 1979.

John H. Davis,

Acting Regional Director, Western Regional Office, National Park Service.

[FR Doc. 80-1134 Filed 1-11-80; 8:45 am]

BILLING CODE 4310-70-M

Plan of Operations for the Purpose of Oil Drilling; Big Cypress National Preserve

Notice is hereby given pursuant to § 9.52(b) of the Code of Federal Regulations of the availability for comment and review of a Plan of Operations submitted by Exxon Corporation for the purpose of oil drilling in the Big Cypress National Preserve. Copies of the Plan of Operations are available for review during normal business hours at Everglades National Park headquarters, Route 27, 12 miles south of Homestead, Florida; at Big Cypress National Preserve, 850 Central Avenue, Room 304, Naples, Florida; and the National Park Service, Southeast Region, 75 Spring Street, SW, Atlanta, Georgia. Comments received by February 8, 1980, will become part of the official record. An Environmental Assessment of the Plan of Operations is under development and it, along with the Environmental Review, will be made available for comment and review at a later date. For further information contact Pat Tolle, Management Assistant, Everglades National Park, (305) 247-6211.

Dated: December 28, 1979.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[FR Doc. 80-1133 Filed 1-11-80; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

Notice of Institution of Preliminary Countervailing Duty Investigations and Scheduling of Conferences

AGENCY: United States International Trade Commission.

ACTION: Institution of two preliminary countervailing duty investigations under section 703(a) of the Tariff Act of 1930 to determine whether with respect to the articles involved there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of allegedly subsidized imported merchandise.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: The supervisory investigator assigned by the Commission to the particular investigation for which the information is sought. The assignments of supervisory investigators and their telephone numbers at the Commission are designated below.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, section 102(a)(1), requires the Commission to conduct preliminary countervailing duty investigations in cases where on January 1, 1980, the Secretary of the Treasury has not made a preliminary determination under section 303 of the Tariff Act as to whether a bounty or grant is being paid or bestowed. Accordingly, the Commission hereby gives notice that, effective as of January 1, 1980, it is instituting the following investigations pursuant to section 703(a) of the Tariff Act of 1930, as added by title I of the Trade Agreements Act of 1979. These investigations will be subject to the provisions of Part 207 of the Commission's rules of practice and procedure (19 CFR 207, 44 FR 76457) and, particularly, Subpart B thereof, effective January 1, 1980.

Written submissions. Any person may submit to the Commission on or before the date specified below for the relevant investigation a written statement of information pertinent to the subject matter of the investigation. A signed original and nineteen true copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conferences. The Director of Operations of the Commission has scheduled a conference in each investigation on the date specified below. Parties wishing to participate in a conference should contact the appropriate supervisory investigator designated below. It is anticipated that parties in support of the petition for countervailing duties and parties opposed to such petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the applicable supervisory investigator.

Preliminary Countervailing Duty Investigations

Investigation No.	Product/country	Conference date	Conference location	Deadline for written submission	Contact person
701-TA-3 (Preliminary)	Frozen potato products, provided for in TSUS items 138.40 and 141.86/Canada.	Jan. 29, 1980	ITC Bldg., Washington, D.C.	Feb. 1, 1980	Robert Eninger, 523-0312.
701-TA-20 (Preliminary)	Chains and parts thereof, provided for in TSUS items 652.24, 652.27, 652.30, 652.33, and 652.35/Japan.	Feb. 1, 1980	ITC Bldg, Washington, D.C.	Feb. 6, 1980	Lynn Featherstone, 523-1378

Issued: January 9, 1980.

By order of the Commission.

Kenneth R. Mason.

Secretary.

[FR Doc. 80-1109 Filed 1-11-80; 8:45 am]

BILLING CODE 7020-02-M

Notice of Institution of Preliminary Antidumping Investigations and Scheduling of Conferences

AGENCY: United States International Trade Commission.

ACTION: Institution of eight preliminary antidumping investigations under section 733(a) of the Tariff Act of 1930 to determine whether with respect to the articles involved there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise allegedly sold or likely to be sold at less than fair value.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: The supervisory investigator assigned by the Commission to the particular investigation for which the information is sought. The assignments of supervisory investigators and their telephone numbers at the Commission are designated below.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, section 102(b)(1), requires that the Commission conduct preliminary antidumping investigations in cases where on January 1, 1980, the Secretary of the Treasury has not made a preliminary determination under the Antidumping Act, 1921, as to the question of less-than-fair-value sales. Accordingly, the Commission hereby gives notice that, effective as of January 1, 1980, it is instituting the following investigations pursuant to section 733(a) of the Tariff Act of 1930, as added by title I of the Trade Agreements Act of 1979. These investigations will be subject to the provisions of Part 207 of the Commission's rules of practice and procedure (19 CFR 207, 44 FR 76457) and, particularly, Subpart B thereof, effective January 1, 1980.

Written submissions. Any person may submit to the Commission on or before the date specified below for the relevant investigation a written statement of information pertinent to the subject matter of the investigation. A signed original and nineteen true copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conferences. The Director of Operations of the Commission has scheduled a conference in each investigation on the date specified below. Parties wishing to participate in a conference should contact the appropriate supervisory investigator designated below. It is anticipated that parties in support of the petition for antidumping duties and parties opposed to such petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

Preliminary Antidumping Investigations

Investigation No.	Product/country	Conference date	Conference location	Deadline for written submissions	Contact person
731-TA-4 (Preliminary)	Counter top microwave ovens provided for in TSUS item 684.25/Japan.	Jan. 28, 1980	ITC Bldg., Washington, D.C.	Jan. 31, 1980	Bruce Cates, 523-0368.
731-TA-5 (Preliminary)	Rail passenger cars and parts thereof, however provided for in the TSUS, intended for use as original equipment in the U.S./Italy.	Jan. 29, 1980	ITC Bldg., Washington, D.C.	Feb. 1, 1980	Daniel Leahy, 523-1369.
731-TA-6 (Preliminary)	Rail passenger cars and parts thereof, however provided for in the TSUS, intended for use as original equipment in the U.S./Japan.	Jan. 29, 1980	ITC Bldg., Washington, D.C.	Feb. 1, 1980	Daniel Leahy, 523-1369.
731-TA-7 (Preliminary)	AC, polyphase electric motors, over 5 horsepower but not over 500 horsepower, provided for in TSUS items 682.41 through 682.50/Japan.	Jan. 30, 1980	ITC Bldg., Washington, D.C.	Feb. 4, 1980	Bruce Cates, 523-0368.
731-TA-8 (Preliminary)	Sodium hydroxide, in solution (liquid caustic soda), provided for in TSUS item 421.08/Federal Republic of Germany.	Jan. 31, 1980	ITC Bldg., Washington, D.C.	Feb. 5, 1980	John MacHatton, 523-0439.
731-TA-9 (Preliminary)	Sodium hydroxide, in solution (liquid caustic soda), provided for in TSUS item 421.08/France.	Jan. 31, 1980	ITC Bldg., Washington, D.C.	Feb. 5, 1980	John MacHatton, 523-0439.
731-TA-10 (Preliminary)	Sodium hydroxide, in solution (liquid caustic soda), provided for in TSUS item 421.08/Italy.	Jan. 31, 1980	ITC Bldg., Washington, D.C.	Feb. 5, 1980	John MacHatton, 523-0439.
731-TA-11 (Preliminary)	Sodium hydroxide, in solution (liquid caustic soda), provided for in TSUS item 421.08/United Kingdom.	Jan. 31, 1980	ITC Bldg., Washington, D.C.	Feb. 5, 1980	John MacHatton, 523-0439.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: January 9, 1980.

[FR Doc. 80-1110 Filed 1-11-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Consent Decree in Action To Enforce Compliance With Provisions of the Clean Water Act

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States of America* v. *Hooker Chemicals & Plastics Corp.* has been lodged with the United States District Court for the Middle District of Tennessee. The decree imposes on defendant Hooker Chemicals and Plastics Corporation a civil penalty of $95,099 for past violations. It requires installation of a stormwater control system by May 1, 1980, and requires interim limits in the meantime. The decree also provides for liquidated penalties of $10,000 per day for violations of the May 1, 1980 compliance date and $5,000 per day for any other violation of the decree.

The Department of Justice will receive written comments until February 13, 1980 relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States of America* v. *Hooker Chemical & Plastics Corp.*, DJ. Ref. 90-5-1-1-908.

The consent decree may be examined at the office of the United States Attorney, Middle District of Tennessee, Room 879, U.S. Courthouse, 801 Broadway, Nashville, Tennessee 37203; the Region V Office of the Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 20309; and the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2644, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

Angus C. Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-1087 Filed 1-11-80; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enjoin Discharges of Air Pollutants

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a consent decree in *United States* v. *Clark Oil and Refining Corporation*, Civil Action No. IP 79-314-C, was entered by the United States District Court for the Southern District of Indiana on December 14, 1979. The consent decree calls for the company to pay $9,000.00 and to install vapor recovery equipment at its Clermont, Indiana gasoline loading rack facility by May 31, 1980.

The Department of Justice will receive comments relating to the consent decree on or before February 13, 1980. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Ninth and Pennsylvania Ave., N.W., Washington, D.C. 20530 and should explicitly note that they are in reference to *United States* v. *Clark Oil & Refining Corporation*, D.J. No. 90-5-2-1-159.

The decree may be examined at the office of the United States Attorney, 246 Federal Building U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204; at the Region V office of the United States Environmental Protection Agency, Enforcement Division, 12th floor, 230 South Dearborn Street, Chicago, Illinois 60604; and, at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Ninth and Pennsylvania Ave., N.W., Washington, D.C. 20530 (room 2644). A copy of the decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division. In requesting a copy please enclose a check in the amount of $.70 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-1088 Filed 1-11-80; 8:45 am]

BILLING CODE 4410-10-M

Law Enforcement Assistance Administration

Use of Fines in Sentencing; Solicitation

The National Institute of Justice announces a competitive research solicitation aimed at examining the Use of Fines in Sentencing.

The solicitation asks for proposals to be submitted for peer review in accordance with the criteria set forth in the solicitation. In order to be considered, all proposals must be postmarked no later than March 1, 1980. A grant or cooperative agreement for an 18 month research project is planned, with funding support not to exceed $200,000. To maximize competition for this award both profit-making and non-profit organizations are eligible.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, The Use of Fines in Sentencing, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

For questions pertaining to this request for solicitations, contact the Adjudication Division, Office of Research Programs, NIJ, 633 Indiana Avenue, N.W., Washington, D.C. 20531 (301) 492-9114.

Dated: January 3, 1980.

Approved:

Henry S. Dogin,

Acting Director, National Institute of Justice.

[FR Doc. 80-1164 Filed 1-11-80; 8:45 am]

BILLING CODE 4410-18-M

LEGAL SERVICES CORPORATION

Grants and Contracts

January 3, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Laurel Legal Services, Inc. in Greensburg, Pennsylvania, to serve Indiana and Westmoreland Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Philadelphia Regional Office, 101 North 33rd Street, Philadelphia, Pennsylvania 19104.

Dan J. Bradley,

President.

[FR Doc. 80-1139 Filed 1-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

January 3, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the

Corporation shall announce publicly . . . such grant, contract, or project . . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Northern Pennsylvania Legal Services in Scranton, Pennsylvania, to serve Sullivan County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Philadelphia Regional Office, 101 North 33rd Street, Philadelphia, Pennsylvania 19104.

Dan J. Bradley,

President.

[FR Doc. 80-1140 Filed 1-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

January 3, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Tidewater Legal Aid Society in Norfolk, Virginia, to serve the City of Chesapeake.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Virginia 22209.

Dan J. Bradley,

President.

[FR Doc. 80-1141 Filed 1-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

January 3, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Peninsula Legal Aid Center, Inc. in Hampton, Virginia, to serve Gloucester, Middlesex, and Mathews Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Virginia 22209.

Dan J. Bradley,

President.

[FR Doc. 80-1142 Filed 1-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

January 3, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Rappahannock Legal Services, Inc. in Fredericksburg, Virginia, to serve Essex, King and Queen, King William, Culpeper, Orange, Madison, Rappahannock, and Fauquier Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Virginia 22209.

Dan J. Bradley,

President.

[FR Doc. 80-1143 Filed 1-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

January 3, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Blue Ridge Legal Aid Society, Inc. in Harrisonburg, Virginia, to serve Clarke, Frederick, Page, Shenandoah, and Warren Counties, and the City of Winchester.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Virginia 22209.

Dan J. Bradley,

President.

[FR Doc. 80-1144 Filed 1-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

January 3, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Smyth-Bland Legal Aid Society, Inc. in Marion, Virginia, to serve Grayson and Carroll Counties, and the City of Galax.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Northern Virginia

Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Virginia 22209.

Dan J. Bradley,

President.

[FR Doc. 80-1145 Filed 1-11-80; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Media Arts Panel (AFI/Archival); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the MEDIA ARTS (AFI/Archival) Panel to the National Council on the Arts will be held March 5, 1980 from 9:00 a.m.-5:00 p.m., in Room 1426, Columbia Plaza Office Building, 2401 E St., N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operation, National Endowment for the Arts.

January 7, 1980.

[FR Doc 80-1165 Filed 1-11-80, 8 45 am]

BILLING CODE 7537-01-M

Humanities Panel, Advisory Committee; Meetings

January 9, 1980.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506:

1. Date: February 4 and 5, 1980. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review the applications submitted to the Research Tools Program of the National Endowment for the Humanities, for projects in music, theater, and film beginning June 1, 1980.

2. Date: February 7 and 8, 1980. Time: 9 a.m. to 5:30 p.m. Room: 1134. Purpose: To review the applications submitted to the Research Tools Program of the National Endowment for the Humanities, for projects in Literature beginning June 1, 1980.

3. Date: February 11, 1980. Time: 9 a.m. to 5:30 p.m. Room: 1134. Purpose: To review the applications submitted to the Research Tools Program of the National Endowment for the Humanities, for projects in the Arts beginning June 1, 1980.

4. Date: February 14 and 15, 1980. Time: 9 a.m. to 5:30 p.m. Room: 807. Purpose: To review the applications submitted to the Research Tools Program of the National Endowment for the Humanities, for projects in History and Law beginning June 1, 1980.

Because the proposed meetings will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1979, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close these meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

If you desire more specific information, contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call 202-724-0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 80-1162 Filed 1-11-80; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-334]

Duquesne Light Co., et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications in response to the evaluation of a Fuel Handling Accident Inside Containment and reflects the upgrading of the Supplementary Leak Collection and Release System and deactivation of the Fuel Building Emergency Exhaust System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 22, 1977 as supplemented April 11, June 23, and November 17, 1977 (2) Amendment No. 23 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of December, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc. 80-1130 Filed 1-11-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Notice of Availability of Final Environmental Statement on the Preferred Closed Cycle Cooling System for Installation at Indian Point Nuclear Generating Unit No. 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement (FES) (NUREG-0574) prepared by the Commission's Office of Nuclear Reactor Regulation, related to the Preferred Closed Cycle Cooling System for installation at Indian Point Unit No. 3 in Westchester County, New York, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10548. The FES is also being made available at the State CLearinghouse, New York State Division of the Budget, State Capitol, Albany, New York 12224 and Tri-State Regional Planning Commission, 1 World Trade Center, New York, New York 10048.

The notice of availbility of the Draft Environmental Statement (DES) for the Preferred Closed Cycle Cooling System at Indian Point Unit No. 3 and requested for comments from interested persons was published in the Federal Register on August 19, 1977 (42 FR 41905). The comments received from Federal, State and local agencies and interested members of the public have been included as an appendix to the FES.

A single copy of NUREG-0574 will be provided free of charge, while the supply lasts, upon written request from a full participant in an ongoing NRC proceeding. The request must identify the requester as a participant and should be addressed to Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Those who are not participants in an ongoing NRC preceeding may purchase copies of NUREG-0574 at current rates, from the National Technical Information Service, Springfield, Virginia 22161 (703) 557-4650.

Final unclassified NUREG-series documents are also available directly from NRC to those with deposit accounts with the Superintendent of Documents, U. S. Government Printing Office (see 44 FR 46005, August 6, 1979). To place orders call (301) 492-7333 or write: ATTN: Publications Sales Manager Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 3rd day of January 1980.

For the Nuclear Regulatory Commission.

Ronald L. Ballard,

Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

[FR Doc. 80-1131 Filed 1-11-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

January 9, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a numberr of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

Revisions

Economics, Statistics, and Cooperatives Service

Fruit Tree and Vineyard Survey

Annually

Fruit tree growers, 10,000 responses; 8,300 hours

Office of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michais—377-3627

New Forms

Bureau of the Census
Questionnaire for Community Based Organizations
D-867
Single time
Voluntary Org's. in Dallas, Texas, 200 responses; 10 hours
Richard Sheppard, 395-3211

Industry and Trade Administration
Tailored Export Marketing Plan Application
ITA-4072P
On occasion
Generally small, medium sized minority manufacturer's and service company, 150 responses; 300 hours
Richard Sheppard, 395-3211

Revisions

Bureau of the Census
Mattresses, Foundations, and Dual Purpose Sleep Furniture (shipments)
M-25E
Monthly
Bedding manufacturers, 5,400 responses; 1,350 hours
Office of Federal Statistical Policy and Standard, 673-7974

Maritime Administration
Application for Transfer of Vessels
MA-29A and 29B
On occasion
Shipowner, 375 responses; 300 hours
Richard Sheppard, 395-3211

Extensions

Bureau of the Census
Monthly Retail Inventory Reports
BUS-11A, BUS11I, BUS-207
Monthly
Retail businesses, 30,000 responses; 2,500 hours
Office of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697-1195

New Forms

Departmental and Other
DOD Centralized Applicant Supply System Application
Form
DD 2210
On occasion
Job applicants, 3,500 responses; 3,500 hours
Richard Sheppard, 395-3211

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—William Riley—245-6511

Revisions

National Institutes of Health
Identification of Qualified Women and Minority Bio-medical Scientists for Initial Review Group
Membership
On occasion
Description not furnished by Agency, 2,000 responses; 160 hours
Richard Eisinger, 395-3214

Social Security Administration
Report of Student Beneficiary at End of School Year
SSA-1388 CI-FC, C2, and U2
On occasion
Recipients of Social Security beneficiary and school officials, 850,000 responses; 141,667 hours
Barbara F. Young, 395-6132

Extensions

Food and Drug Administration
Application for Approval of Use of Methadone in a
Treatment Program
FD 2632
On occasion
Clinics treating narcotic addicts, 50 responses; 250 hours
Richard Eisinger, 395-3214

Reinstatements

Alcohol, Drug, Abuse and Mental Health Administration
NIDA State Appropriations Survey
ADM 540-1
Annually
Single State Agencies, 56 responses; 560 hours
Richard Eisinger, 395-3214

Social Security Administration
Annual Report of Earnings
SSA-777
Annually
Beneficiaries who had earnings during taxable year; 1,500,000 responses; 250,000 hours
Barbara F. Young, 395-6132

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633-3526

Revisions

Offices, Boards, Division
Lawyer and Individual Civil Litigation Project: Dis-
putant questionnaire
Single time
Disputants and their attorneys, 6,240 responses; 5,741 hours
Office of Federal Statistical Policy and Standard, 673-7974

MINIMUM WAGE STUDY COMMISSION

Agency Clearance Officer—Robert J. Miller—376-2459

New Forms

Survey To Collect Data on FSLA Exemptions
Single time
Conglomerate firms, 200 responses; 2,000 hours
Arnold Strasser, 395-5080

NATIONAL ENDOWMENT FOR THE ARTS

Agency Clearance Officer—Paul G. Zarbock—634-6160

New Forms

NEA Composer/Lierettist Fellowship Evaluation
Single time
Fellowship recipients applicants and panelists, 510 responses; 102 hours
Laverne V. Collins, 395-3214

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—632-7737

New Forms

Survey of positions with pay rates of $36,000 or more
IP-28
Single time
State and larger local and special purpose governments, 3,000 responses; 3,000 hours
Laverne V. Collins, 395-3214

U.S. COMMISSION ON CIVIL RIGHTS

Agency Clearance Officer—Ruth M. Ford—254-6274

New Forms

Shelter Questionnaire for Battered Women Project
Single time
Women using shelters for battered women, 75 responses; 7 hours
Laverne V. Collins, 395-3214

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 80-1197 Filed 1-11-80; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Docket No. A80-3; Order No. 308]

Palm City, Fla. 33490; Notice and Order of Filing of Appeal

Issued: January 8, 1980.

Before Commissioners: A. Lee Fritschler, Chairman; James H. Duffy, Vice-Chairman; Simeon M. Bright; Clyde S. DuPont; Kieran O'Doherty.

On January 2, 1980, the Commission received a handwritten letter from C. O.

Reinhart (hereinafter "Petitioner"), concerning alleged United States Postal Service plans to consolidate the Palm City, Florida 33490, post office. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be construed as a petition for review pursuant to § 404(b) of the Act [39 U.S.C. 404(b)], so as to preserve Petitioner's right to appeal which is subject to a 30-day time limit.[1] The petition does not conform perfectly with the Commission's rules of practice which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, § 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.[3]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing or consolidation so as to "ensure that such persons will have an opportunity to present their views."[4] The Petition requests that the decision to consolidate the Palm City post office be reversed. From the face of the petition it is unclear whether the Postal Service provided 60 days' notice, whether any hearings were held, and whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[6]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to consolidate post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.[7]

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. Has the Postal Service complied with its regulation 39 CFR 247.41 that the required notices by "prominently" posted in the affected post offices?
2. Did the Postal Service have adequate data on the recent expenses and receipts of the Palm City post office in order to make the determination on economic effects required by section 404(b)(2)(D)?
3. In determining the effect on community under section 404(b)(2)(A), did the Postal Service have sufficient information about the business community?
4. Did the Postal Service make a finding under section 404(b)(2)(C) whether there would be a reduction in service due to any necessity to use the allegedly overcrowded post office at Stuart, Florida, if the consolidation occurs?

Other issues of law may become apparent when the parties and the Commission have had the opportunity to examine the Postal Service's administrative record. The issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79-1, *et al.*, (May 7, 1979), and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues in this case.

In view of the above, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any other issues disclosed by the determination made in this case or timely raised by the Petitioner. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation of any such issue, it will, within 20 days of receiving the determination and record pursuant to § 113 of the rules of practice [39 CFR 3001.113], make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of its issuance, and a copy of the memorandum shall be served on Petitioner by the Service.

In briefing the case, or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases, and none is being appointed.[8]

The Commission orders:

(A) The letter received January 2, 1980, from C. O. Reinhart be construed as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the Federal Register.

(C) The Postal Service shall file the administrative record in this case on or before January 17, 1980, pursuant to the Commission's rules of practice [39 CFR 3001.113(a)].

By the Commission.

David F. Harris,

Secretary.

Appendix

January 2, 1980—Filing of Petition
January 8, 1980—Notice and Order of Filing of Appeal
January 17, 1980—Filing of record by Postal Service [*see* 39 CFR 3001.113(a)]
January 22, 1980—Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)]
February 1, 1980—Petitioner's initial brief [*see* 39 CFR 3001.115(a)]
February 19, 1980—Postal Service answering brief [*see* 39 CFR 3001.115(b)]
March 5, 1980—(1) Petitioner's reply brief, should petitioner choose to file such brief [*see* 39 CFR 3001.115(c)]
(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.
May 1, 1980—Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)]

[FR Doc. 80-1199 Filed 1-11-80; 8:45 am]
BILLING CODE 7715-01-M

[1] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 CFR 3001.111(a).

[3] 39 CFR 3001.1.

[4] 39 U.S.C. 404(b)(1).

[5] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[6] 39 U.S.C. 101(b).

[7] 39 CFR 247.11 *et seq.*; the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[8] In the Matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 16472; SR-CSE-79-7]

Cincinnati Stock Exchange; Order Approving Proposed Rule Change

January 8, 1980.

On November 20, 1979, the Cincinnati Stock Exchange ("CSE"), 205 Dixie Terminal Building, Cincinnati, Ohio 45202, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which adopts a set of rules that would conform its present rules on arbitration [1] to the Uniform Code of Arbitration ("Code") [2] which was drafted by the Securities Industry Conference on Arbitration [3] and which provides arbitration procedures for the settlement of disputes arising between customers and broker-dealers. The proposal revokes the present CSE arbitration rules and adopts the entire Code as new CSE Rule 9.1. The proposal also incorporates the simplified arbitration procedures that were drafted by SICA and adopted by the CSE on July 5, 1979,[4] regarding small claims not exceeding $2,500.[5]

A primary purpose of this proposal is to provide investors with a simple and inexpensive procedure for resolution of their controversies with broker-dealers who are members of the CSE. Further, the proposal anticipates that the Code will be adopted by other self-regulatory organizations thereby providing a uniform system of arbitration throughout the securities industry.[6]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-16387, November 30, 1979) and by publication in the Federal Register (44 FR 70266, December 6, 1979). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-1177 Filed 1-11-80; 8:45 am]

BILLING CODE 8010-01-M

[1] For the CSE's current arbitration rules, *see* CSE Rule 9.1.

[2] The Code was published on December 28, 1978, as the "Second Report of the Securities Industry Conference on Arbitration to the Securities and Exchange Commission."

[3] SICA was organized on April 5, 1977, pursuant to the Commission's stated position that there was a need to implement a nationwide investor dispute resolution system. *See* Securities Exchange Act Release No. 12528 (June 9, 1976), 9 SEC Docket 833 (June 23, 1976), 41 FR 23803 (June 11, 1976); Securities Exchange Act Release No. 13470 (April 26, 1977), 12 SEC Docket 186 (May 10, 1977), 42 FR 23892 (May 11, 1977). The SICA members consist of: the American Stock Exchange, Inc.; the Boston Stock Exchange, Incorporated; the Chicago Board Options Exchange, Incorporated; the Cincinnati Stock Exchange; the Midwest Stock Exchange, Incorporated; the Municipal Securities Rulemaking Board; the National Association of Securities Dealers, Inc.; the New York Stock Exchange, Inc.; the Pacific Stock Exchange, Incorporated; the Philadelphia Stock Exchange, Inc., as well as the Securities Industry Association and three public representatives.

[4] Securities Exchange Act Release No. 15998, 16 SEC Docket 425 (July 17, 1979), 43 FR 48399 (August 17, 1979).

[5] CSE Rule 9.1, Section 2.

[6] The Code has already been adopted by the New York Stock Exchange, Inc. *See* Securities Exchange Act Release No. 16390 (November 30, 1979), 18 SEC Docket 1197 (December 18, 1979), 44 FR 70616 (December 7, 1979).

[Release No. 11011; 812-2128]

Continental Income Fund, Inc.; Application

January 7, 1980.

Notice is hereby given that Continental Income Fund, Inc. ("Applicant"), 731 S. Highway 101, Suite 2H, Solana Beach, CA 92075, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a corporation organized under the laws of the State of California. A notification of registration and registration statement pursuant to Section 8 of the Act were filed with the Commission on October 5 and November 24, 1970, respectively, under the name of California Intercontinental Fund, Inc.

Applicant states that business operations of Applicant were never commenced and that Applicant has no assets. Applicant further states that the State of California has suspended Applicant's legal existence.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon applications, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is futher given that any interested person may, not later than February 1, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will recieve any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-1178 Filed 1-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11012; 811-2023]

Difund, Inc.; Application

January 8, 1980.

NOTICE IS HEREBY GIVEN that Difund, Inc. ("Applicant"), P.O. Box 35, The Dresser Building, 1505 Elm Street, Dallas, Texas 75221, a Delaware corporation registered under the

Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on September 27, 1979, pursuant to Section 8(f) of the Act and Rule 8f-1 thereunder, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on February 10, 1970, it registered under the Act and filed a registration statement pursuant to the Securities Act of 1933 ("Securities Act") with respect to 100,000 shares of its capital stock. Applicant further states that its Securities Act registration was declared effective by the Commission on September 29, 1970, and that it commenced a public offering of its shares on that date.

According to the application, on March 14, 1979, Applicant's board of directors approved an Agreement and Plan of Reorganization ("Agreement") between Applicant and Merrill Lynch Basic Value Fund, Inc. ("Basic Value Fund"), registered under the Act as an open-end, diversified, management investment company, which provided for: (i) the acquisition by Basic Value Fund of substantially all of the assets of Applicant in exchange for shares of common stock of Basic Value Fund; (ii) the *pro rata* distribution of such shares of Basic Value Fund stock to shareholders of Applicant; and (iii) the subsequent dissolution and deregistration of Applicant ("reorganization"). In connection with the Agreement, Applicant states that it and Basic Value Fund, among others, filed an application for an order: (i) pursuant to Section 6(c) of the Act, for an order exempting Basic Value Fund from the provisions of Section 15(f)(1)(A) of the Act; (ii) pursuant to Section 17(b) of the Act, exempting the proposed reorganization from the provisions of Section 17(a) of the Act; and (iii) pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, permitting the consummation of the proposed reorganization, to the extent that Fund Asset Management, Inc. ("FAMI"), a subsidiary of Merrill Lynch Asset Management, Inc., and investment adviser to Basic Value Fund, might be deemed to be a participant in a joint enterprise with Applicant and Basic Value Fund through FAMI's receipt of increased advisory fees following Basic Value Fund's acquisition of Applicant's assets. The requested order was granted on July 23, 1979 (Investment Company Act Release No. 10791). The application states that the shareholders of Applicant approved the Agreement at the Annual Meeting of Applicant's shareholders held on August 14, 1979.

Applicant states that, pursuant to the Agreement, on August 22, 1979, Basic Value Fund acquired substantially all of the assets of Applicant in exchange for shares of Basic Value Fund. Applicant further states that such exchange was effected at the respective net asset values per share of the two companies and that such shares have been distributed to Applicant's shareholders. According to the application, immediately prior to the acquisition of its assets by Basic Value Fund, Applicant had outstanding 45,053.736 shares of its capital stock having a net asset value per share of $8.13. Applicant states that: (i) it is not now engaged, and does not propose to engage, in any business activity other than that necessary to wind up its affairs; (ii) on September 5, 1979, it filed a certificate of dissolution with the Secretary of State of Delaware; (iii) it has no assets; (iv) it is not a party to any litigation or administrative proceedings; and (v) it has no debts or other liabilities which remain outstanding.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order and that, upon the taking effect of such order, the registration of such company under the Act shall cease to be in effect.

NOTICE IS FURTHER GIVEN that any interested person may, not later than January 31, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-1179 Filed 1-11-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/263]

Secretary of State's Advisory Committee on Private International Law; Bankruptcy Study Group; Meeting

There will be a meeting of the Bankruptcy Study Group, a study group of the subject Advisory Committee, at 10:00 a.m. on Friday, February 1, 1980 in Room 5519 of the Department of State. Members of the general public may attend up to the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The purpose of the meeting will be to review the text of the draft US-Canada Bankruptcy Treaty which was agreed ad referendum as a result of the latest US-Canadian negotiating session on October 29, 1979.

Entry to the Department of State building is controlled and members of the general public should use the "C" Street entrance. As entry will be facilitated by advance arrangements, members of the general public planning to attend should, prior to January 31, notify Mrs. Kathleen Padovano, Office of the Assistant Legal Adviser for Private International Law, Department of State, (telephone: (202) 632-8134) of their name, affiliation and address.

Peter H. Pfund,

Assistant Legal Adviser for Private International Law and Vice-Chairman, Advisory Committee on Private International Law.

January 4, 1980.

[FR Doc. 80-1166 Filed 1-11-80; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee; Renewal

Notice is hereby given of the renewal of the charter of the Air Traffic Procedures Advisory Committee. The Administrator, Federal Aviation Administration is the sponsor of the Committee, which consists of 15 experts on air traffic control procedures. The committee reviews present air traffic control procedures and practices and makes recommendations to the Administrator for the standardization, clarification, and upgrading of terminology and procedures. The functions of the Committee are solely advisory.

The Secretary of Transportation has determined that the renewal and existence of the Air Traffic Procedures Advisory Committee are necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Meetings of the Committee will be open to the public.

Issued in Washington, D.C., on January 3, 1980.

F. L. Cunningham,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 80-1031 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 139—Airborne Equipment Standards for Microwave Landing System (MLS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 139 on Airborne Equipment Standards for Microwave Landing System (MLS) to be held February 5-8, 1980 in Conference Rooms 6A-B-C on February 5-6, 1980 and Conference Rooms 5A-B-C on February 7-8, 1980, DOT/ Federal Aviation Administration Building, 800 Independence Avenue S.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Fifth Meeting held December 5-7, 1979; (3) Complete Review of Third Draft of Minimum Operational Performance Standards for MLS; (4) Working Groups Meet in Separate Sessions; (5) Committee Plenary Session; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on January 7, 1980.

Karl F. Bierach,

Designated Officer.

[FR Doc. 80-1032 Filed 1-11-80; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-80-1]

White Diamond Corp., et al; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: February 4, 1980.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on January 4, 1980.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
18338	White Diamond Corp	14 CFR § 23.1447(a)(2)	Requests reconsideration of the denial of their petition to allow use of its Model 1000 cannula which does not cover the nose and mouth of the user in delivering supplemental oxygen.
19912	Cascade Airways, Inc	14 CFR §§ 135.293(b), 135.297(a)(b)(c), and 135.299(a)(1)(2).	To permit certain portions of its pilot in command and second in command training and checking requirements to be accomplished in a non-visual simulator in lieu of an aircraft.
19936	American Airlines	14 CFR Part 121, Appendix F, III (c)(4).	To permit the use of alternative training in lieu of demonstrating at least one non-precision approach procedure on a let down aid.
19935	National Soaring Foundation, Inc	14 CFR §§ 61.3 and 91.27	To permit foreign glider pilots and foreign built gliders to participate in the 47th US National Soaring Championships without complying with FAR airman and airworthiness certification requirements.

Dispositions of Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
19895	Air Fleets International	14 CFR § 121.291	To allow the operation of a DC-8-31 aircraft with 183 passenger seats without conducting a full scale emergency evacuation demonstration. *Granted 12/28/79.*
19741	Pan American World	14 CFR § 121.291	To permit inauguration of scheduled operations with Lockheed L-1011-500 aircraft with a maximum passenger seating capacity of 345 without first conducting a full-seating capacity emergency evacuation demonstration from the aircraft. *Granted 12/27/79.*
13498	Aerolinee Itavia	14 CFR Parts 21, 61, and 91	To amend Exemption No. 1958M to add additional airmen. *Granted 12/12/79.*
18563	Braniff Airways, Inc	14 CFR §§ 21.181 and 21.183	To extend Exemption No. 2663 to allow Braniff Airways to continue to operate foreign-owned Concorde aircraft on an interchange with British Airways and Air France. *Granted 12/20/79.*
18573	Gates Learjet Corp	14 CFR § 91.32(b)(1)(a)	To allow their pilots to operate certain models of Learjets at altitudes above 41,000 feet without either pilot wearing an oxygen mask. *Granted 12/13/79.*
18610	Flugleidir, H. F. (Icelandair), and Seaboard World Airlines, Inc.	14 CFR Parts 21, 43, 61, 63, 91, and 121.	Renewal of Exemption No. 2660, as amended, and to reflect the name change of Flugleidir, H. F. (Icelandic), to Flugleidir, H. F (Icelandair). *Granted 12/13/79.*
19276	Allegheny Airlines	14 CFR § 121.391(a)(3)	To allow the operation of DC-9-30 aircraft configured with 110 passenger seats with only two flight attendants when 10 passenger seats are blocked. *Granted 12/21/79.*
19742	Philippine Airlines, Inc. (PAL)	14 CFR Parts 21, 61, 63, and 91	To permit the operation of U.S.-registered B-747-2F6B aircraft N741PR leased from Bankers Trust Company using an FAA-approved master minimum equipment list (MMEL), a continuous airworthiness maintenance program, and PAL flight crewmembers. *Granted 12/13/79.*
19743	Great Northern Airlines	14 CFR 121.291	To permit operation of CV-580 aircraft configured for 50 passengers without first conducting a full passenger seating capacity emergency evacuation demonstration. *Granted 12/18/79.*
19794	Aeral S.P.A	14 CFR Parts 21, 61, 63, and 91	To allow the operation of leased U.S.-registered aircraft using a MMEL, and an approved maintenance program and to allow foreign airmen to obtain U.S. certificates to operate the aircraft. *Granted 12/13/79.*
19911	Aerovias Nacionales de Colombia, S.A. (AVIANCA).	14 CFR Parts 21, 61, and 91	To allow the operation of two leased U.S. registered B-727-209 aircraft N200AV and N202AV using an FAA-approved master minimum equipment list (MMEL), a continuous airworthiness maintenance program, and AVIANCA flight crewmembers. *Granted 12/21/79.*
11773	Border Patrol	14 § CFR 91.79(c)	Amendment to Exemption No. 1533A to allow flight altitudes down to 200 feet above persons, vessels, vehicles or structures during in-flight identification, surveillance and pursuit operations consistent with the assigned mission of the Border Patrol. *Granted 12/20/79.*
16292	Swift Aire Lines, Inc	14 CFR § 121.371(a)	Extension of Exemption No. 2344B to permit petitioner to contract for inspection, repair and overhaul as it applies to NORD 262 airplanes. *Granted 12/28/79.*
18243	Scenic Airlines	14 CFR § 135.53	Extension of Exemption No. 2631 to permit passenger seating in the co-pilot seat of petitioner's Cessna Model 404. *Granted 12/27/79.*
18446	Air Cargo America, Inc	14 CFR § 121.357(a)	To revise Exemption No. 2642A to allow operation of DHC-4A Caribou aircraft N554Y in an expanded area without airborne weather radar installed. *Partial Granted 12/28/79.*

[FR Doc. 80-1103 Filed 1-11-80; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

U.S. Tax Court Nominating Commission; Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the United States Tax Court Nominating Commission will meet in the General Counsel's office in the Treasury Department of January 29, 1980 at 11:00 a.m. The Commission was established by Executive Order 12064 of June 5, 1978 (43 FR 24661).

The members of the Commission will examine the qualifications of persons to be recommended to the President for appointment to the United States Tax Court. This process will necessarily involve consideration of information of a personal nature relating to candidates for appointment. Discussion of sensitive and confidential matters relating to such persons in a meeting open to the public would constitute a clearly unwarranted invasion of personal privacy of the individuals being considered for appointment to the Tax Court.

Meetings of the Commission must be conducted in a manner conducive to a frank exchange of views and searching evaluation of the qualifications of candidates for appointment to the Tax Court. Open meetings would have a chilling effect on candid comments by Commission members about the qualifications of such candidates and would inhibit the ability of the Commission to obtain comments of third parties. Open meetings would thus significantly frustrate the Commission's efforts to implement its primary function under the Executive Order.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting will concern matters within section 552b(c)(6) and 9(B) of Title 5, United States Code, and that the public interest requires that this meeting be closed to public participation.

Robert H. Mundheim,

General Counsel.

January 9, 1980

[FR Doc. 80-1196 Filed 1-11-80; 8:45 am]

BILLING CODE 4810-25-M

INTERSTATE COMMERCE COMMISSION

[Rel. Rates Application No. MC-1485]

Brynwood Transfer, Inc.; Application for Authority to Publish Rates on Specified Commodities

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. MC-1485.

SUMMARY: Brynwood Transfer, Inc. seeks authority to publish rates on specified commodities which because of size, weight or structure require specialized equipment, when shipments of such commodities are released to a value not exceeding $250 per 100 pounds, with provisions for the declaration of higher values on payment of a fee of 5 cents per $100 of value in excess of that for which the base rate applies. The net effect will be to limit the carrier's liability for freight loss or damage to the declared value.

ADDRESS: Anyone seeking copies of this application should contact Mr. Robert P. Sack, Practitioner, P.O. Box 6010, West St. Paul, MN 55118, Telephone (612) 457-6889.

FOR FURTHER INFORMATION: Contact Max Pieper, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly Section 20(11) of the Interstate Commerce Act, for and on behalf of Brynwood Transfer, Inc.

Agatha L. Mergenovich,

Secretary

[FR Doc. 80-1100 Filed 1-11-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: January 8, 1980.

In our last decision of December 18, 1979, a 10.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 11.5-percent. Accordingly, we are authorizing an 11.5-percent surcharge for this traffic. All owner-operators are to receive compensation at the 11.5-percent level. In addition, we are authorizing a 2.0-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, and a 4.3-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Govenor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday, 12:01 a.m., January 11, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp Trantum and Alexis.

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

Base Date and Price Per Gallon (Including Tax)	
January 1, 1979	63.5¢.

Date of Current Price Measurement and Price Per Gallon (Including Tax)	
January 7, 1980	108.7

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue

(1)	(2)	(3)
From transportation performed by owner operators.	Other	Bus carriers
(Apply to all truckload rated traffic).	(Including less-truckload trafffic).	6.3%
16.9%	2.9%	6.3%

Percent Surcharge Developed		
11.5%	2.0%	4.3%

Percent Surcharged Allowed		
11.5%	2.0%	4.3%

[FR Doc. 80-1101 Filed 1-11-80; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 239]

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note: All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

By the Commission,

Agatha L. Mergenovich,

Secretary.

MC 2202 (Sub-618TA), filed September 20, 1979. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Common; regular: General commodities, except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment.* 1. Between New Orleans and Baton Rouge, LA serving all intermediate points and points in their commercial zones, and serving New Orleans and Baton Rouge for joinder only: From New Orleans over US Hwy 61 to Baton Rouge, and return over the same route. 2. Between Baton Rouge and Laplace, LA serving all intermediate points and points in their commercial zones, and serving Baton Rouge for joinder only: From Baton Rouge over LA Hwy 30 to Jct LA Hwy 74, then LA Hwy

74 to Jct Hwy 75, then LA Hwy 75 to Jct LA Hwy 22, then LA Hwy 22 to Jct LA Hwy 44, then LA Hwy 44 to Laplace and return over the same route. 3. Between New Orleans and Norco, LA serving all intermediate points and points in their commercial zones, and serving New Orleans for joinder only: From New Orleans over LA Hwy 48 to Norco, and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack authority sought herein with authority held under docket number MC 2202. Applicant intends to interline at all points of interchange. Supporting Shippers: There are 15 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 2202 (Sub-619TA), filed September 20, 1979. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Common; regular: General commodities, except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment.* 1. Between New Orleans and Baton Rouge, LA serving all intermediate points and points in their commercial zones, and serving New Orleans and Baton Rouge for joinder only: From New Orleans over US Hwy 61 to Baton Rouge, and return over the same route. 2. Between Baton Rouge and Laplace, LA serving all intermediate points and points in their commercial zones, and serving Baton Rouge for joinder only: From Baton Rouge over LA Hwy 30 to Jct LA Hwy 74, then LA Hwy 74 to Jct Hwy 75, then LA Hwy 75 to Jct LA Hwy 22, then LA Hwy 22 to Jct LA Hwy 44, then LA Hwy 44 to Laplace and return over the same route. 3. Between New Orleans and Norco, LA serving all intermediate points and points in their commercial zones, and serving New Orleans for joinder only: From New Orleans over LA Hwy 48 to Norco, and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack authority sought herein with authority held under docket number MC 2202. Applicant intends to interline at all points of interchange. Supporting Shippers: There are 15 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 16872 (Sub-23TA), filed November 9, 1979. Applicant: WILLIAM MIRRER d.b.a. MIRRER'S TRUCKING, 100 East 25th Street, Paterson, NJ 07524. Representative: George A. Olsen, PO Box 357, Gladstone, NJ 07934. *Plastic granules,* between Mirrer's Warehouse located at Houston, TX on the one hand and on the other, points in the states of AL, AZ, AR, CA, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, WV, VA, WI and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Mobile Chemical Company, PO Box 726, Paramus, NJ 07652. Rexene Company, W. 115 Century Rd., PO Box 665, Paramus, NJ 07652. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St. Room 522; Newark, NJ 07102.

MC 73533 (Sub-5TA), filed October 25, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Sea-going containers, loaded and empty* between South Kearney, NJ and the facilities of Key Warehouse Services, Inc. in Baltimore, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American President Lines, Inc., Suite 744, World Trade Center, Baltimore, MD 21202. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 103993 (Sub-1024TA), filed October 22, 1979. Applicant: MORGAN DRIVE-AWAY, INC., U.S. 20, Box 1168, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). (1) *Iron and steel articles* from the facilities of Century Tube Corporation at or near Pine Bluff, AR to points in the United States in and east of the states of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment and supplies* (except in bulk), used in the manufacture, sale, and distribution of commodities named in (1) above, from points in the United States in and east of the states of ND, SD, NE, KS, OK and TX to the facilities of Century Tube Corporation at or near Pine Bluff, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Century Tube Corporation, P.O. Box 7612, Pine Bluff, AR 71611. Send protests to: Beverly J. Williams, Transporation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio St., Indianapolis, IN. 46204

MC 107882 (Sub-48TA), filed September 25, 1979. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Representative: Herbert Alan Dubin, Sullivan & Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Contract, irregular. *Coin* from Atlantic City, NJ to Las Vegas, NV, for 180 days. Supporting shipper(s): Boardwalk Regency Corporation, 2100 Pacific Avenue, Atlantic City, NJ 08401. Send protests to: Irwin Rosen, T/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 109802 (Sub-37TA), filed September 21, 1979. Applicant: LAKELAND BUS LINES, INC., 425 East Blackwell Street, Dover, NJ 07801. Representative: Edward F. Bowes, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Common, regular. Passengers and their baggage, and express, in the same vehicle with passengers. Between Netcong, NJ and Hanover Township, NJ serving all intermediate points, from Netcong over US Hwy 206 to Junction NJ Hwy 24 in the Borough of Chester, NJ, then over NJ Hwy 24 to Morristown, NJ then over city streets and access roads in Morristown, NJ to junction Interstate Hwy 287 in Morristown, NJ thenover Interstate Hwy 287 to junction NJ Hwy 10 in Hanover Township, NJ and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 28 supporting passengers whose names and addresses are on file at the Newark, NJ field office of the ICC. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 112063 (Sub-23TA), filed October 22, 1979. Applicant: P. L & I. MOTOR EXPRESS, INC., Broadway Ave., P.O. Box 685, Sharon, PA 16146. Representative: Milan Tatalovich, 11 West Liberty St., Girard, OH 44420. *Iron and steel articles; materials, equipment and supplies* used in, or in connection with the manufacture and/or resale of iron and steel articles, over irregular routes, between Sharon, PA, and points within five miles of Sharon, PA, to all points in the States of Wisconsin, Missouri, West Virginia, Kentucky, Iowa, Minnesota, Ohio, and Lower Peninsula of Michigan, for 180 days. Supporting shipper(s): National Castings Division Midland-Ross Corp., 700 South Poak St., Sharon, PA 16146. Send protests to: Maria B. Kejss, Federal Reserve Bank Bldg., 101 North Seventh St., Philadelphia, PA 19106.

MC 112713 (Sub-289TA), filed October 5, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Robert E. DeLand (same address as applicant). *General commodities* (except

household goods as defined by the Commission, commodities of unusual value, Classes A and B explosives, commodities in bulk and those requiring special equipment), serving Longview, Tyler, Gladewater and Kilgore, TX as intermediate and off-route points to existing regular route authority. Supporting shipper(s): 29 supporting shippers (statements on file). Send protests to: Vernon Coble D/S, 600 Fed. Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 115092 (Sub-97TA), filed November 5, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Flat glass,* from the facilities of PPG Industries, Inc. at or near Crystal City, MO to the Los Angeles, CA commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115523 (Sub-199TA), filed October 11, 1979. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same address as applicant). *Chemicals,* in bulk, from Casper, WY to AZ, CA, CO, ID, MT, NV, NM, ND, OR, UT, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, IL 60521. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115523 (Sub-200TA), filed October 15, 1979. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same address as applicant). *Cleaning compounds and anti-freeze compounds,* in bulk, from the plant site of Wen-Don Chemical Company, Price, UT to points in AZ, CO, NM, NV, UT and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wen-Don Chemical Company, P.O. Box 13905, Roanoke, VA 24034. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 117883 (Sub-259TA), filed October 9, 1979. Applicant: SUBLER TRANSFER, INC., 1 Vista Dr, Versailles, OH 45380. Representative: Thomas R. Stone, P.O. Box 62, Versailles, OH 45380. *Bicycles, tricycles, and parts and accessories for bicycles and tricycles, and materials and supplies used in the manufacturing and distribution of bicycles, tricycles, and parts and accessories for bicycles and tricycles* from Celina, OH to points in CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, PA, RI, VT, VA, WV, WI and DC for 180 days. Restricted to traffic originating at and destined to the named points. An underlying ETA seeks 90 days authority. Supporting shipper(s): Huffy Corporation, 410 Grand Lake Rd., Celina, OH 45822. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila, PA 19106.

MC 119552 (Sub-6TA), filed October 25, 1979. Applicant: J.T.L., Inc., 49 Rosedale Street, Providence, RI 02903. Representative: Ronald N. Cobert, 1730 M Street NW., Washington, DC 20036. Contract-irregular, (1) *Filters, PCV Valves, transmission filters, emission control equipment, gasoline filters, oil filters, air filters,* and *component filter parts, advertising matter* and *merchandising aids* used in the sale of filter products and filter parts, *tools* used in the inspection, installation, change, and removal of filters and filter parts from Dexter, MO, and Salt Lake City, UT to points in AR, AZ, ID, and WY. (2) *Materials, equipment* and *supplies* used in the manufacture and distribution of filters, PCV valves, transmission filters, emission control equipment, gasoline filters, oil filters, air filters, and component filter parts from AR, AZ, ID, and WY to Dexter, MO and Salt Lake City, UT, for 180 days. *Restriction:* The operations authorized above are limited to a transportation service to be performed, under a continuing contract or contracts with Campbell Filter Company, a subsidiary of Facet Enterprises, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Campbell Filter Company, a subsidiary of Facet Enterprises, Inc., 5310 East 31st Street, Suite 1100, P.O. Box 880, Tulsa, OK 74101. Send protests to: Gerald H. Curry, DS, ICC, 24 Weybosset St., Room 102, Providence, RI 02903.

MC 123233 (Sub-94TA), filed November 30, 1979. Applicant: PROVOST CARTAGE INC., 7887 Grenache, Ville d'Anjou, Quebec, Canada H1J 1C4. Representative: Gilbert G. Beriault (same address as applicant). *Plastic pellets, in bulk, in tank vehicles,* from Selkirk, NY to the ports of entry on the International Boundary Lines between the United States and Canada, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Electric Company, Noryl Avenue, Selkirk, NY 12158. Send protests to: Carol A. Perry, TA, ICC, PO Box 548, Montpelier, VT 05602.

MC 125433 (Sub-357TA), filed November 7, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). *Garage door operators and parts, attachments, and accessories thereof* (except commodities in bulk), from Nogales, AZ to Denver, CO, Chicago, IL, Wichita, KS, Minneapolis, MN, Kansas City, MO, Omaha, NE, Columbus, OH, Oklahoma City and Tulsa, OK, Dallas, El Paso, Houston, San Antonio and Waco, TX. Restricted to traffic originating at the facilities utilized by Chamberlain Manufacturing Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chamberlain Manufacturing Corporation, 845 Larch Avenue, Elmhurst, IL 60126. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125433 (Sub-358TA), filed October 30, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). (1) *Tractors,* (2) *industrial, construction, excavating and material handling equipment;* (3) *parts and attachments for (1) and (2) above,* from the facilities of J. I. Case Company at or near Bettendorf and Burlington, IA to points in AZ, MS, LA, OK, TX, UT, MT, ID, WA, OR, CA, NV and AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. I. Case Company, 700 State Street, Racine, WI 53404. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125433 (Sub-359TA), filed October 30, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). *Commodities, the transportation of which, because of size or weight, require the use of special equipment or handling, and related parts, materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require the use of special equipment or handling,* from the facilities of Lake Shore, Inc. in the Upper Peninsula of MI to CA, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lake Shore, Inc., Box 809, Iron Mountain, MI 49801. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125782 (Sub-10TA), filed October 1, 1979. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand,

430 Judge Building, Salt Lake City, UT 84111. *Contract carrier; Irregular route:* Potatoes, cooked, diced, flaked, powdered or shredded, except frozen, (1) From Shelley, ID and Freeport Center, Clearfield, UT to points in and south of Monterey, Fresno, and Inyo Counties, CA and (2) between Shelley, ID and Freeport Center, Clearfield, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The R. T. French Co., 434 S. Emerson, Shelley, ID 83274. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125782 (Sub-11TA), filed October 10, 1979. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier:* Irregular route: *Salt, salt products, and materials and supplies used in agriculture, water treatment, food processing, wholesale grocery and institutional supply industries* in mixed loads with salt and salt products, from the facilities of Great Salt Lake Mineral and Chemical Corp. located at or near Little Mountain, UT to points ND, SD, NE, KS, MN, IA, MO, WI, IL, and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Great Salt Lake Minerals & Chemicals Corp., P.O. Box 1190, Ogden, UT 84402. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125872 (Sub-12TA), filed November 13, 1979. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier:* Irregular routes: *Frozen foods and foodstuffs* (except frozen), requiring the use of mechanically refrigerated vehicles, between the facilities of J. R. Simplot Company at Hermiston, OR, Caldwell, Nampa, Burley, Aberdeen, Idaho Falls, and Heyburn, ID, and Clearfield, UT, on the one hand, and, on the other, points in AZ, ID, OR, UT and WA, under a continuing contract or contracts with J. R. Simplot Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. R. Simplot Company, 999 Main Street, P.O. Box 27, Boise, ID 83707. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125952 (Sub-44TA), filed November 14, 1979. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango St. SW., Tacoma, WA 98499. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Contract carrier;* irregular routes; *salt and salt products (excluding bulk),* from the facilities of Morton Salt at Saltair, UT to points in OR, WA, CO, ID and MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Morton Salt Division of Morton Norwich Products, 110 N. Wacker Drive, Chicago, IL 60606. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 128273 (Sub-377TA), filed December 4, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Ft. Scott, KS 66701. Representative: Elden Corban (same). *Mineral micronutrients* used in the manufacture of plant and animal food, except commodities in bulk, in tank vehicles, from facilities of Imperial Products, Inc., Lakeland, Lake Alfred, and Groveland, FL, to points in AL, GA, NC, and TN; common, irregular route, 180 days. Supporting shipper: Imperial Products, Inc., 151 Wymore Rd., Suite 610, Altamonte Springs, FL 32701. Send protests to: M. E. Taylor, D/S, ICC, 101 Litwin Bldg., Wichita, KS 67202. An underlying ETA seeks 90 days authority.

MC 134872 (Sub-15TA), filed November 29, 1979. Applicant: GOSSELIN EXPRESS, LTD., 141 Smith Blvd., Thetford Mines, QUE G6G 5R7. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *Snowmobiles,* from points in NB to ports of entry on the International Boundary Line between the United States and Canada located in MI and NY, for 180 days. Supporting shipper(s): Kawasaki Motor Corp., U.S.A., 5500 N.W. 27th St., Lincoln, NB 689521. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 136343 (Sub-198TA), filed September 17, 1979. Applicant: MILTON TRANSPORTATION INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357, Gladsone, NJ 07934. *Plastic bags, plastic film, and plastic sheeting and racks,* (except commodities in bulk), from West Hazelton, PA. to pts. in the states of OH, IN, MI, and NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Regis Paper Company, 150 E. 42nd St., New York, NY 10017. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 138322 (Sub-145TA), filed October 22, 1979. Applicant: BHY TRUCKING, INC., 9231 Whitmore, El Monte, CA 91733. Representative: Robert Fuller, 13215 East Penn Street, Suite 310, Whittier, CA 90602. *Cooling towers, condensers, accessorial material and supplies used in conjunction with cooling towers and condensers,* between the facilitis of Baltimore Aircoil of California at Madera, CA and points in the United States west of the Mississippi River (except AK and HI), for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Baltimore Aircoil of California, P.O. Box 960, 15341 Road 28½, Madera, CA. Send protests to: Irene Carlos, TA, P.O. Box 1551, Los Angeles, CA 90053.

MC 139043 (Sub-4TA), filed August 20, 1979. Applicant: S.A.C. TRANSPORTATION, INC., East 4010 Main, Spokane, WA 99202. Representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, WA 99201. *Contract carrier:* irregular routes: *Malt beverages and wine,* from points in Napa, San Francisco, Alameda, Santa Clara, San Joaquin, Kern, and San Mateo Counties, CA, to points in Whitman County, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Danday Inc., d.b.a., Dantini Distributing, P.O. Box 362, Pullman, WA 99163. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 139482 (Sub-9TA), filed November 6, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Compounds organic, product of ammoniation of fatty acids, fatty acids, fatty acid esters, resin plasticizers* between Janesville, WI, and Mapleton, IL, on the one hand, and on the other hand, Oakland and Los Angeles, CA, for 180 days. Supporting shippers(s): Sherex Chemical Co., Inc., 5200 Blazer Parkway, Dublin, OH 43017. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 139843 (Sub-9TA), filed November 27, 1979. Applicant: VERNON G. SAWYER P.O. Drawer B, Bastrop, LA 71220. Representative: Harry E. Dixon, Jr., P.O. Box 4319 Monroe, LA 71203. *Paper and paper products, pulpboard and the products* used in the manufacturing, packaging, and distribution thereof, except liquid commodities in bulk in tank vehicles, between the facilities of Georgia Pacific Corporation at or near Crossett and Pine Bluff, AR; Monroe, LA and Jackson, MS on the one hand, and on the other, points in AZ and NM, restricted to the transportation of traffic originating at or destined to the indicated points, for 180 days. Underlying ETA seeks 90 days authority. Supporting shippers(s): Georgia-Pacific Corporation, P.O. Box

520, Crossett, AR 71635. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 141532 (Sub-53TA), filed September 13, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreeen Building, Renton, WA 98055. *(1) Aluminum sheet and plate,* from the facilities of Kaiser Aluminum Chemical Corp., at or near Ravenswood, WV to points in Alameda, Contra Costa, Los Angeles, Orange, San Bernardino, San Francisco and Santa Clara Counties, CA and in King County, WA; and *(2) Titanium and titanium products, and materials and supplies used in the production of titanium and titanium products (except commodities in bulk),* between Toronto, OH and Henderson, NV, restricted to traffic originating at or destined to the facilities of Titanium Metals Corp. of America, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kaiser Aluminum Chemical Corp., 300 Lakeside Drive, Oakland, CA 94643; Titanium Metals Corp. of America, P.O. Box 309, Toronto, OH 43964. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 141532 (Sub-54TA), filed September 13, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Wire and wire products, and fencing and fencing materials,* from the facilities of Bekaert Steel Wire Corp., at or near Van Buren, AR, to points in AZ, CA, ID, MT, NM, NV, OR, UT, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bekaert Steel Wire Corporation, I-40 & Lee Creek Road, Van Buren, AR 72956. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 141532 (Sub-56TA), filed September 21, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representive: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Lumber and wood products,* from points in CA to points in AZ and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bendix Forest Products Corporation, 2740 Hyde Street, San Francisco, CA 94109. Send protest to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 141532 (Sub-57TA), filed October 24, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representive: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Lumber and lumber mill products,* from points in OR and WA to the facilities of Arkansas Wholesale Lumber Co., Inc., at Searcy, AR; representative points are Tacoma, WA and Eugene, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arkansas Wholesale Lumber Co., Inc., 3300 E. Races St., Searcy, AR 72143. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 141532 (Sub-58TA), filed November 8, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representive: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Lime and lime products,* from the facilities of Flintkote Lime Company in Tooele County, UT to points in OR and WA, for 180 days. Supporting shipper(s): Flintkote Lime Company, 4700 Ramona Boulevard, Monterey Park, CA 91754. Send protest to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 141532 (Sub-59TA), filed November 20, 1979. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representive: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Lumber, lumber mill products and wood products,* from points in AR, Bogalusa, Joyce, Logansport and Zwolle, LA and Wright City, OK to points in AZ, CA, ID, MT, NV, OR, UT, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flintkote Supply Company, A Division of the Flintkote Company, P.O. Box 800, Dallas TX 75221. Send protests to: Shirley M. Holmes, T/A ICC, 858 Federal Building, Seattle, WA 98174.

MC 142402 (Sub-1TA), filed August 9, 1979. Applicant: STE MARIE EXPRESS LTEE, Parc Industriel, Ste-Marie de Beauce, QUE GOS 2YO. Representative: J. P. Vermette, 250 Napoleon-Provost St., Repentigny, QUE J6A 1H5. *Fresh bakery products,* from ports of entry on the International Boundary line between the United States and Canada, to Concord, NH and Boston, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vachon Inc., Ste-Marie de Beauce, QUE GOS 2YO. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 143623 (Sub-4TA), filed October 18, 1979. Applicant: CITY COAL AND SUPPLY, INC., South 2nd St., Princeton, WV 24740. Representative: Kemper Powell (same as applicant). *Veneer* between Princeton, WV, and Winchester KY, and from Princeton, WV and Winchester, KY, to San Francisco, CA; Los Angeles, CA; Portland, OR; Gresham, OR; Memphis, TN; Greenwood, MS; Evansville, IN; Logan, UT and ports of entry on the U.S. Canadian border, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Dean Co., P.O. Box 1239, Princeton, WV 24740. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St, Rm. 620, Phila, PA 19106.

MC 143053 (Sub-10TA), filed October 2, 1979. Applicant: B & B TRANSPORT, INC., P.O. Box 5310, Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. *Contract carrier:* irregular routes; *Such commodities as are dealt in by wholesale and retail tire distributors, except commodities in bulk,* from Texarkana, AR, Chicago, IL, Clarksdale, MS, Carson City, NV, New York, NY, Portland, OR, Carlisle and Indiana, PA and points in CA and OH to points in ID, MT, OR, and WA for the account of Phelps Tire Co., Inc., dba Hercules Tire Co. of Tukwila, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Phelps Tire Co., d.b.a., Hercules Tire Co., 1108 Andover Park West, Tukwila, WA 98188. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 145072 (Sub-36TA), filed November 20, 1979. Applicant: M. S. CARRIERS, INC., 1797 Florida Street, Memphis, TN 38109. Representative: A. Doyle Cloud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Heating and air conditioning equipment, (except in bulk), materials, equipment and supplies used in the manufacture and distribution of above named commodities,* between St. Louis, MO and its commercial zone, on the one hand, and points in AL, AR, GA, IL, IN, KY, LA, MD, MS, NJ, NY, NC, OH, PA, SC, TN, TX, VA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Inter-Therm, Inc., 3800 Park Ave., St. Louis, MO 63110. Send protests to: Floyd A. Johnson, Suite 2006—100 N. Main St., Memphis, TN 38103.

MC 145102 (Sub-41TA), filed October 9, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Mark S. Gray, P.O. Box 56387, Atlanta, GA 30343. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in sections A & C of Appendix "I" of the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 & 766* (except

hides and commodities in bulk) from the plant sites and warehouse facilities of Dubuque Packing Co., located at or near Dension, Vinton & Dubuque, IA to points in AZ & UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dubuque Packing Company, 16th & Sycamore Streets, Dubuque, IA 52001. Send protests to: John E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 145203 (Sub-6TA), filed September 21, 1979. Applicant: REITZEL TRUCKING CO., INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 42215. *Auto parts, and equipment, materials and supplies used in the* manufactures of auto parts, between the plant site of Evart Products Company at or near Evart, MI on the one hand, and, on the other pts. in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Evart Product Co., 601 W. 7th St., Evart, MI 49631. Send protests to: I.C.C., Red. Res. Bank Bldg., 101 N. 7th St., Rm 620, Phila, PA 19106.

MC 146402 (Sub-13TA), filed November 26, 1979. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske, P.O. Box 968, Jackson, TN 38301. *Steel doors, steel door frames and brass, copper or steel hardware,* from the facilities of The Ceco Corporation at Milan, TN to points in the United States in and East of KS, NE, ND, OK, SD, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Ceco Corporation, 5601 West 26th Street, Chicago, IL 60650. Send protests to: Floyd A. Johnson, Suite 2006—100 N. Main St., Memphis, TN 38103.

MC 146832 (Sub-3TA), filed October 5, 1979. Applicant: H.G. CONWAY d.b.a., R.V. TOWING, 13507 U.S. 99 South, Everett, WA 98204. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. *Contract carrier:* irregular routes: *Travel trailers, designed to be drawn by passenger vehicles,* from Portland, McMinnville and Mt. Angel, OR to points in the Seattle, WA commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Northern Lite Manufacturing, Inc., 7410 S.E. Johnson Creek Blvd., Portland, OR 97206. Send protests to: Shirley M. Holmes, T/A, ICC 858 Federal Building, Seattle, WA 98174.

MC 148463 (Sub-1 TA), filed November 6, 1979. Applicant: G AND L TRUCKING CO., INC., 4768 South 5335 West, Kearns, UT 84118. Representative: Thomas L. Matley (same address as applicant). *Raw rubber, rubber chemicals, and materials, equipment, and supplies used in the manufacture and repair of pollution control equipment* (except commodities in bulk), between points in AZ, CA, CO, ID, LA, MT, NV, NM, OR, TX, UT, WA, and WY, for 180 days. Restricted to the transportation of traffic originating at or destined to the facilities of Rubber Engineering, Div. Envirotech Corp. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rubber Engineering, Molded Products Div. of Envirotech Corporation, 3459 South 700 West, Salt Lake City, UT 84125. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 148483 (Sub-3 TA), filed November 9, 1979. Applicant: INTERSTATE MOVING & STORAGE CO., P.O. Box 334, Cheyenne, WY 82001. Representative: Hugh F. Cooper (same address as applicant). Prestressed concrete forms and materials and supplies used in the erection thereof, between points in WY and CO, for 180 days. An underlying ETA seeking 90 days authority has been filed. Supporting shipper(s): Stanley Structures, Inc., P.O. Box 527, Cheyenne, WY 82001. Send protests to: Paul A. Naughton, Room 105, Federal Bldg., 111 South Wolcott, Casper, WY 82601.

MC 148693 (Sub-2 TA), filed November 5, 1979. Applicant: J. D. TRANSPORTS, 1731 Lanier Lane, Memphis, TN 38117. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, Memphis, TN 38103. *Such commodities* as are dealt in or used by agricultural equipment, industrial equipment, and lawn and leisure product manufacturers (except commodities in bulk), from the facilities of Parts Distribution Warehouse of Deere and Company at Milan, IL; the Distribution Service Center of Deere and Company at Moline, IL, to the Parts Depot of John Deere and Company at Memphis, TN; from North Kansas City, MO; New Orleans, LA; and Tulsa, OK to points in Alabama, on or west of Interstate Highway 59, Arkansas, points in Illinois on or south of Interstate Highway 70, points in Kentucky on and west of Highway 127, LA, points in Missouri on and east of U.S. Highway 67, Mississippi and points in Tennessee on and west of U.S. Highway 127; between the facilities of the John Deere Company Parts Depot, Memphis, TN and points in Alabama on or west of Interstate Highway 59, Arkansas, points in Illinois on or south of Interstate Highway 70, points in Kentucky on and west of U.S. Highway 127, Louisiana, points in Missouri, on and east of U.S. Highway 57, Mississippi, and points in Tennessee on and west of U.S. Highway 127, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Deere Company, 2105 Latham, Memphis, TN. Send protests to: Floyd A. Johnson, Rm. 2006—100 N. Main St., Memphis, TN 38103.

MC 148723 (Sub-1 TA), filed November 21, 1979. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *Such commodities as are dealt in by retail variety and discount stores* (except in bulk), from Little Rock, AR, to points in TX, LA, MS, TN and MO; restricted to shipments originating at, and destined to, the facilities of Sterling Stores Company, Inc., under contract or continuing contracts with Sterling Stores Company, Inc., for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Sterling Stores Company, Inc., 6500 Forbing Road, Little Rock, AR 72209. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

[FR Doc. 80-1099 Filed 1-11-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of settlement.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that a Consent Order was entered into between the Office of Enforcement, ERA, and the firm listed below during the month of December 1979. The Consent Order represents resolution of an outstanding enforcement proceeding by the DOE and the firm involving a sum of less than $500,000 in the aggregate, excluding any penalties and interest. For a Consent Order involving a sum of $500,000 or more. Notice will be separately published in the Federal Register. This Consent Order is concerned exclusively with payment of

the refunded amount for alleged overcharges made by this firm during the time period indicated, through direct refunds or price rollbacks to the class of customers indicated below.

For further information regarding this Consent Order, please contact James C. Easterday, District Manager of Enforcement, Southeast District, Economic Regulatory Administration, 1655 Peachtree Street, NE, Atlanta, Georgia 30309, telephone number (404) 881-2661.

Firm name and Address	Settlement amount	Product	Period covered	Recipients of settlement
Lutz-Yelton Oil Co., Shelby, N.C.	$100,641	Middle Distillate/Motor Gasoline	11/73-5/3/74	For Gasoline: (1) Rollback of prices to Consumer and Dealer-Road use Class to Effect Refund Totaling $25,275. For Middle Distillates: (2) Issue a Direct Refund Credit to Consumer and Dealer Non-Road Classes in the amount of $75,366

Issued in Atlanta on the 20th day of December 1979.

James C. Easterday
District Manager.

Approved for signature:

Ben Bittner,
Chief Enforcement Counsel.

[FR Doc. 80-1190 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of November 1979. These Consent Orders concern prices charged by retail motor gasoline dealers in excess of the maximum lawful selling price for motor gasoline since August 1, 1979, failure to properly post the maximum lawful selling price or certification, and engaging in business practices which are either discriminatory with respect to purchasers of motor gasoline, resulting in a higher price than permitted, or tied the sale of gasoline to the purchase of another service. The purpose and effect of these Consent Orders is to being the consenting firms into compliance with the Mandatory Petroleum Allocation and Pricing Regulations from August 1, 1979, and they do not address or limit any liability with respect to consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions:

A. With respect to selling prices:

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Roll back prices to achieve refund of overcharges;

3. Properly maintain records required under the aforementioned regulations.

B. With respect to business practices:

1. Cease and desist from employing any form of discriminatory practice;

2. Cease and desist from employing any practice designed to obtain a price higher than is permitted by the regulations;

3. Cease and desist from employing any practice making the sale of gasoline contingent upon the purchase of another service, charging for services by means of a fee computed on a cents per gallon basis, or charging a fee to dispense gasoline.

C. With respect to posting requirements:

1. Properly post the maximum lawful selling price or certification;

2. Rollback the maximum lawful selling price for failure to post.

For further information regarding these Consent Orders, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, telephone number 214/767-7745.

Firms's Name, Address, and Date of Consent Order

Willy Foreman, Jr., d.b.a. Junior's Gulf Service, 4311 Johnston, Lafayette, La. 70501—Nov. 11, 1979

Jerry Bowlin, d.b.a. Lakeview Cash Store, Inc, 4301 N. Lakeshore Drive, Shreveport, La. 71109—Nov. 8, 1979

Curtis Oliver, d.b.a. Michelle's Stop & Shop, 5999 Jefferson-Paige Rd., Shreveport, La. 71119—Nov. 13, 1979

S. C. Smith's Barkdale Shell, 3220 Barksdale H'way, Bossier City, La. 71112—Nov. 15, 1979

Byers' Gulf Station, 1400 Sibley Road, Minden, La. 71055—Nov. 23, 1979

Tom Massey Service Station, P.O. Box 607, Madisonville, Tx 77864—Nov. 1, 1979

Scott Kelly's Exxon, 2200 S.E. Loop 323, Tyler, Tx 75710—Aug. 29, 1979

Jerry Rainey, d.b.a. Circle Texaco, 101 Commerce St., Brownwood, Tx 76801—Aug. 21, 1979

Vernon Riddle Gulf, 601 S. Jefferson, Mt. Pleasant, Tx 76455—Sept. 4, 1979

Gary L., Knaupe, d.b.a State Line Gulf, 4524 N. State Line, Texarkana, Tx 75501—Aug. 30, 1979

Gatlin's Texaco, 15707 Coit Road, Dallas, Texas, 75246—Nov. 6, 1979

Coy's Texaco, 3202 E. Main, Madisonville, Tx—Nov. 15, 1979

Quirino DeLeon, d.b.a. DeLeon's Grocery, Box 214, H'way 55, Camp Wood, Tx 78833—Nov. 15, 1979

E. E. Gildant, d.b.a., Gildant's Gulf, Nueces & 2nd St., Camp Wood, Tx 78833—Nov. 15, 1979

Gaudencio Hilalgo, d.b.a., Gandy Hilalgo Texaco, H'way 155, Box 168, Camp Wood, Tx 78833—Nov. 15, 1979

R. G. Maner, d.b.a., Maner's Conoco, P.O. Box 273, Camp Wood, Tx 78828—Nov. 15, 1979

John Devlin, Steve Anderberg, & Mike Sundra, d.b.a. Apex Rent-A-Car, 614 NE Loop 410, San Antonio, Tx 78216—Nov. 30, 1979

J. F. Zabatik, Jr., 4401 N. Navarro, Victoria, Tx 77901—Nov. 28, 1979

Delmar Daniels Mobil, 2 West Main, Yukon, Ok. 73099—Nov. 20, 1979

Barnes Texaco, 7515 S. Penn, Oklahoma, City, Ok 73159—Nov. 20, 1979

South May Texaco, 7100 S. May, Oklahoma City, Ok 73159—Nov. 20, 1979

John Runge, d.b.a., John's Texaco, 2501 W. Broadway, Ardmore, Ok 73401—Nov. 26, 1979

Fulton's Chevron, E. 66 H'way & Patton, Gallup, N.M. 87301—Nov. 20, 1979

Joe Miller, d.b.a., Country Club Chevron, P.O. Box 3166, Milan, N.M. 87801—Nov. 19, 1979

Plaza Shell, 400 W. Aztec, Gallup, N.M. 87301—Nov. 21, 1979

Swayze Exxon, 122 E. 7th St., Dalhart, Tx 79022—Nov. 19, 1979

Jim Hensley, d.b.a. Jim's I-40 Shell, I-40 & H'way 83, Shamrock, Tx 79079—Nov. 27, 1979

Medellin's Gulf, 120 W. 2nd, Odessa, Tx 79761—Nov. 21, 1979

Lousis Flowers, d.b.a. Louis Exxon, 622 S. Main, Perryton, Tx 79070—Nov. 26, 1979
Jim Price Texaco, 202 Tahoka Road, Brownfield, Tx 79316—Nov. 15, 1979
Bill Thorpe's 66, 101 North First, Brownfield, Tx 79316—Oct. 31, 1979
Wilemon Oil Co., 620 LFD Drive, Littlefield, Tx 79337—Nov. 16, 1979
Coa al's Texaco, 521 Hall Avenue, Littlefield, Tx 79339—Nov. 16, 1979
Hussan's Exxon, 902 Avenue H, Levelland, Tx 79336—Nov. 15, 1979
Terry's Texaco, 102 N. Broadway, Post, Tx 79356—Nov. 27, 1979
Gandy's Caprock Gulf, 101 N. Broadway, Post, Tx 79356—Nov. 27, 1979
Pequeno 66, 512 N. Broadway, Post, Tx 79535—Nov. 27, 1979
Julio Valdez Texaco, 201 S. Broadway, Post, Tx 79356—Nov. 27, 1979
Peel's Conoco, 405 N. Broadway, Post, Tx 79356—Nov. 28, 1979
Clifton Jones, d.b.a. Ward's Independent Oil Co., 305 E. Main St., Clute, Tx 77531—Sept. 14, 1979
W. J. Booth, d.b.a., Bastrop Mariana, Route 2, Box 180, Freeport, Tx 77541—Oct. 19, 1979
Larry Shirey, d.b.a. Beltway Gulf Service Ctr., 9198 Bellaire Blvd., Houston, Tx 77036—Oct. 29, 1979
Wilbert Gobel Texaco, 1809 Meyer, Sealy, Tx 77474—Oct. 17, 1979
Bettis Exxon, 3301 West Davis, Conroe, Tx 77301—Oct. 23, 1979
Elised G. Abad, d.b.a. Eli's Texaco Service Ctr., 202 Water, Galveston, Tx 77550—Oct. 18, 1979
Carlos Gutierrez Texaco, 901 West Pasadena F'way, Pasadena, Tx—77506—Oct. 2, 1979
Les W. Inman, d.b.a. Inman's Exxon, 1007 Ford St., Llano, Tx 78643—Oct. 29, 1979
Jesse Carraway, H'way 87, Box 583, Mason, Tx 78656—Oct. 30, 1979
Durwood Bradshaw, I-10 & U.S. 83, Junction, Tx 76849—Oct. 29, 1979
Roy Hunter, d.b.a. Roy Hunter & Son, Herrville H'way, Fredricksburg, Tx 78624—Oct. 24, 1979
Pecan Grove Service Sta, Llano Road, H'way 16, Fredricksburg, Tx 78624—Oct. 29, 1979
Jack Long, Jr., d.b.a. Long's Gulf, 1021 Fisher, Goldwaite, Tx—Oct. 29, 1979
Bynum #2, Box 158, H'way 183, Lomita, Tx 76853—Oct. 29, 1979
Adolfo Garcia, P.O. Box 374, Somerset, Tx 78069—Nov. 1, 1979
J. M. Thompson, H'way 97, Charlotte, Tx 78011—Nov. 1, 1979
Daniel Maldowado, Las Palmas, Charlotte, Tx 78011—Nov. 1, 1979
Gregoria Delgado, H'way 140, Charlotte, Tx 78011—Nov, 1, 1979
Winston Willey, H'way 97, Charlotte, Tx 78011—Nov. 1, 1979
Manuel Ytuarte, P.O. Box 151, Somerset, Tx 78069—Nov. 1, 1979
Jimmy Machado, Somerset Road, Somerset, Tx 78069—Nov. 1, 1979
Charles Pence, N. H'way 87, Brady, Tx—Nov. 1, 1979
Arther Young, Jr., Box 147, Brady, Tx 76825—Nov. 1, 1979
Larry Maddux, 731 Main, Junction, Tx 76849—Nov. 1, 1979
Mendoza Service Sta., Loop 305, LaPryor, Tx 78872—Nov. 1, 1979
Reddick Conoco Service Sta., H'way 57, Box 459, LaPryor, Tx 78872—Nov. 1, 1979
Vernon H. Bierman, DX, H'way 80 & I-40, El Reno, Ok 73036—Oct. 30, 1979
Burdick & Harrison Mobil, 1100 N. Meridian, Oklahoma City, Okla—Oct. 30, 1979
L. K. Carpenter Grocery & Sta., 6116 H'way 271, Ft. Smith, Ar 72903—Oct. 30, 1979
B & J Exxon, 2nd and Union, Dardanella, Ar 72834—Oct. 30, 1979
W. R. Bell, d.b.a. Bells's Phillips 66, 901 Broadway, Van Buren, Ar 72956—Oct. 30, 1979
Wayne Lynn, d.b.a. Broadway Texaco, 900 Broadway, Van Buren, Ar 72956—Oct. 30, 1979
T. A. McHan, d.b.a., McHan Service Sta. Inc., H'way 62 & 80, Lake Village, Ar 71653—Oct. 30, 1979
Miller's Exxon, 401 E. Johnson, Jonesboro, Ar 72401—Nov. 1, 1979
Marlin's Exxon, 3016 S. Caraway, Jonesboro, Ar 72401—Nov. 2, 1979
Leo Winner, d.b.a. Leo's Conoco, Box 377, Dierks, Ark 71833—Nov. 2, 1979
Bob Morris, d.b.a. Morris Exxon, 101 South Thompson, Sprindale, Ar 72764—Nov. 2, 1979
Sidney Casey, d.b.a. Casey's Texaco, I-40 & H'way 7, Russellville, Ar 72801—Nov. 2, 1979
Jack Caudill, d.b.a. Razorback Exxon, 2333 W. 6th Street, Fayetteville, Ar 72701—Nov. 2, 1979
Jacksonville Gulf, 1501 W. Main, Jacksonville, Ar 72076—Nov. 2, 1979
Ron Lusby Service, Inc., 118 North Cedar, Pine Bluff, Ar 71601—Nov. 2, 1979
Jesus Calderon, d.b.a. Valentine Grocery & Gas, P.O. Box 27, Valentine, Tx 79854—Oct. 23, 1979
J. D. Futch, d.b.a. Futch's Gulf Service, 210 E. Brown, Pampa, Tx 79065—Oct. 24, 1979
Jack Melton & Don Show, d.b.a. J-Bob's Conoco, Box 294, Miami, Tx 79059—Oct. 31, 1979
Turner Chevron Service Sta, 302 Lubbock Road, Brownfield, Tx 79316—Oct. 31, 1979
Bill Graves Texaco, 115 South 1st Street, Brownfield, Tx 79316—Oct. 31, 1979
Kenneth & Billy Shipley d.b.a., Shipley Bros, Kent Station, 201 Lubbock H' way, Levelland, Tx 79336—Nov. 1, 1979
R. C. Vaughn, d.b.a., College Avenue Gulf, 205 College Avenue, Levelland, Tx 79336—Nov. 1, 1979
Harold Evans, d.b.a. Bell Gas Atex Oil, 412 College Ave., Levelland, Tx 79336—Nov. 1, 1979
Pat's Texaco, 301 College Avenue, Levelland, Tx 79336—Nov. 1, 1979
Billy's Ray Toney, d.b.a. Toney's Texaco, 702 College Avenue, Levelland, Tx 79336—Nov. 1, 1979
Chris Ochoa, d.b.a. Ochoa Shell Svc Sta., H'way 82 East, P.O. Box 358, Ropesville, Tx 79358—Nov. 1, 1979
Pete Artel, d.b.a. Ace Chevron, P.O. Box 237, Taos, N.M. 87571—Nov. 1, 1979
Eloy's Chevron, 938 E. Santa Fe, Grants, N.M. 87020—Oct. 29, 1979
James Ferancis Chevron, 701 W. H'way 66, Milan, N.M.—Oct. 30, 1979
Corner's Phillips 66, 526 N. First, Grants, N.M. 87020—Oct. 30, 1979
Perez Shell, 1921 66 Avenue, Gallup, N.M. 87301—Oct. 31, 1979
Jim Sherman's Chevron, 920 E. 66 Avenue, Gallup, N.M. 87301—Oct. 31, 1979
Jack Spratt Exxon, 8602 Garland Road, Dallas, Tx 75218—Oct. 31, 1979
Hollon's Exxon, 2951 Walnut Hill Land, Dallas, Tx 75229—Nov. 1, 1979
Bob Town Gulf, 1000 E. I-30, Mesquite, Tx 75149—Nov. 2, 1979
Cedar Springs Gulf, 1313 River St., Dallas, Tx 75202—Nov. 2, 1979
John Shipley, d.b.a. Shipley's Gulf Svc Sta., 1606 Front St., Winnsboro, La 71295—Nov. 1, 1979
Jennie R. Sprawls, d.b.a. Sprawl's Gulf Station, Rt. 1, Box 1D, Ringgold, La. 71068—Nov. 1, 1979

Issued in Dallas, Texas on the 3rd day of January 1980.

Wayne L Tucker,

District Manager, Southwest District Enforcement Economic Regulatory Administration.

[FR Doc. 80-1192 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: January 2, 1980.

COMMENTS BY: February 13, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745.

SUPPLEMENTARY INFORMATION: On January 2, 1980, the Office of Enforcement of the ERA executed a Consent Order with John H. Hendrix Corporation (Hendrix) of Midland, Texas. Under 10 CFR 205.199J(b), the Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Hendrix, with its office located in Midland, Texas, is a firm engaged in

crude oil production, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Hendrix, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1, 1973 through August 31, 1977, and it included all sales of crude oil which were made during that period.

2. Hendrix allegedly misapplied the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subpart D, when determining the prices to be changed for crude oil; and as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Hendrix have agreed to a settlement in the amount of $42,000 plus interest commencing September 1, 1979 on the unpaid balance. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Hendrix.

4. Because the sales of crude oil were made to refiners and the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 10 CFR Part 205, Subpart V as provided below.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Hendrix agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the total sum of $42,000 plus applicable interest twenty-four (24) months from the date of the execution of the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition. The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on John H. Hendrix Corporation Consent Order." We will consider all comments we received by 4:30 p.m., local time on February 13, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Midland, Texas on the 2nd day of January, 1980.

Herbert F. Buchanan,

Deputy District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80-1193 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

Adelino Gallegos d.b.a. Abe's Exxon; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Abe's Exxon, H'way 54 and 380, Carrizozo, New Mexico 88301. This Proposed Remedial Order charges Abe's Exxon with pricing violations connected with the sale of certain grades of gasoline at prices in excess of the maximum lawful selling price for those grades of gasoline in violation of 10 CFR 212.93.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. On or before January 29, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 105.193.

Issued in Dallas, Texas on the 3rd day of January 1980

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80-1185 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

Continental Resources Co. (Formerly Florida Gas Co.); Action Taken and Opportunity

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: December 21, 1979.

COMMENTS BY: February 13, 1980.

ADDRESS: Send comments to: James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, NE., Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT: James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, NE., Atlanta, Georgia 30309, Telephone (404) 881–2661.

SUPPLEMENTARY INFORMATION: On December 21, 1979, the Office of Enforcement of the ERA executed a Consent Order with Continental Resources Company of Winter Park, Florida. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of $500,000 or more in the aggregage, excluding penalties and interest becomes effective upon its execution only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order:

Continental Resources Company (Continental), formerly Florida Gas Company, with its home office located in Winter Park, Florida, is a natural gas liquids processor subject to the jurisdiction of the DOE with regard to prices charged by Continental in sales of covered products as defined at 6 CFR 150.352 from August 19, 1973, through January 14, 1974, and at 10 CFR 212.31 after January 14, 1974 ("products covered by this Consent Order"), during the period August 19, 1973, through August 31, 1979 ("the period covered by this Consent Order"). To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Continental, the Office of Enforcement, ERA, and Continental entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to sales of covered products by Continental during the period August 19, 1973, through August 31, 1979.

2. The Consent Order recites that DOE has issued a Notice of Probable Violation (NOPV) alleging violation by Continental of DOE regulations with respect to the filing of the Forms P–110 for the products covered by this Consent Order. Further the Consent Order recites that during the course of audit of Continental, the Office of Enforcement considered many issues.

3. Continental and the Office of Enforcement each believes that its legal positions concerning the matters resolved by this Consent Order are meritorious and are likely to be sustained if tried before a court. The Office of Enforcement also believes that the terms of this Consent Order fairly reflect the relative merits and probabilities of success of the opposing positions. Continental, without admitting that it has violated any regulation or overcharged any purchaser, is willing to enter into this Consent Order, and thus avoid disruption of its orderly business functions and the expense of protracted, complex litigation.

4. The Consent Order provides that Continental shall make adjustments totaling approximately eight million dollars, in full settlement of any and all civil liability within the jurisdiction of the Department of Energy (DOE) in regard to actions that might be brought by the DOE arising out of the specified transactions. The refund shall consist of a cash payment and a reduction of available unrecouped costs, *i.e.*, a "bank" adjustment. The cash payment shall be no less than four and one-half (4½) million dollars and the "bank" adjustment shall be approximately three and one-half (3½) million dollars.

5. The Consent Order further provides that the NOPV issued regarding the filing of Forms P–110 shall be rescinded concurrently with the execution of this Consent Order.

6. The provisions of 10 CFR 205.199J, including the publication of this notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges:

In this Consent Order, Continental agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of approximately four and one-half million dollars within 30 days following the effective date of this Consent Order. Refunded overcharges will be in the form of certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program 10 CFR 211.67.

In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments:

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, N.W., Atlanta, Georgia 30309. You may obtain a free copy of this Consent Order with proprietary information deleted, by writing to the same address or by calling (404) 881–2661.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Continental Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on February 13, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Atlanta, Georgia on the 31st day of December, 1979.

James C. Easterday,

District Manager of Enforcement.

[FR Doc. 80-1191 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

David Romero dba David's Conoco; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to David's Conoco, 600 Grande Ave., Las Vegas, N.M. 87701. This Proposed Remedial Order charges David's Conoco with failure to either post the maximum lawful selling price or certification, a violation of 10 CFR 212.129(b) and with pricing violations in the amount of $1,063.29, connected with the sale of certain grades of gasoline at prices in excess of the maximum lawful selling price for those grades of gasoline in violation of 10 CFR 212.93.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. On or before January 29, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street NW., Washington, D.C. 20461, in accordance with 10 CFR 105.193.

Issued in Dallas, Texas on the 3rd day of January, 1980.

Wayne I. Tucker,

District Manager, Southwest District Enforcement Economic Regulatory Administration.

[FR Doc. 80-1184 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

Don Eudy d.b.a. Don's Gulf; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Don's Gulf, 1400 S. Main, Perryton, Texas 79070. This Proposed Remedial Order charges Don's Gulf with failure to either post the maximum lawful selling price or certification in violation of 10 CFR 212.129(b), with failure to properly maintain required records a violation of 10 CFR 212.93 and 212.92, and with pricing violations in the amount of $3,566.77, connected with the sale of certain grades of gasoline at prices in excess of the maximum lawful selling price for those grades of gasoline in violation of 10 CFR 212.93.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. On or before January 29, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street NW., Washington, D.C. 20461, in accordance with 10 CFR 105.193.

Issued in Dallas, Texas on the 3rd day of January 1980.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80-1186 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

Jack Atwood d.b.a. Atwood Gulf; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Atwood Gulf, 613 W. Brown, Pampa, Texas 79065. This Proposed Remedial Order charges Atwood Gulf with pricing violations in the amount of $336.60, connected with the sale of certain grades of gasoline at prices in excess of the maximum lawful selling price for those grades of gasoline in violation of 10 CFR 212.93.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. On or before January 29, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street NW., Washington, D.C. 20461, in accordance with 10 CFR 105.193.

Issued in Dallas, Texas on the 3rd day of January 1980.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80-1187 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

O. C. Rich dba Pete's Gulf; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Pete's Gulf, 8430 Fulton, Houston, Texas 77022. This Proposed Remedial Order charges Pete's Gulf with failure to either post the maximum lawful selling price or certification a violation of 10 CFR 212.129(b) and with sales of certain grades of gasoline at prices in excess of the maximum lawful selling price for those grades of gasoline in violation of 10 CFR 212.93.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. On or before January 29, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street NW., Washington, D.C. 20461, in accordance with 10 CFR 105.193.

Issued in Dallas, Texas on the 3rd day of January 1980.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80-1188 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-79-010; OFC Case No. 53330-6170-02-77]

Wisconsin Electric Power Co.; Request for Classification of Pleasant Prairie Power Plant as Existing Installation

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Request for Classification as an Existing Installation Pursuant to the Revised Interim Rule, Part 515—Transitional Facilities.

SUMMARY: On November 16, 1979, the Wisconsin Electric Power Company (WEPC), Milwaukee, Wisconsin, requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Auxiliary Boiler No. 2, installed at its Pleasant Prairie Power Plant, Kenosha County, Wisconsin, as an existing installation pursuant to § 515.13 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464, March 21, 1979) and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA). FUA, which was effective May 8, 1979, imposes certain statutory prohibitions against the use of natural gas and petroleum as a primary energy source by new major fuel

burning installations (MFBI's) consisting of a boiler.

ERA's decision in this matter will determine whether Auxiliary Boiler No. 2 is a new or an existing MFBI. The prohibitions which apply to existing MFBI's are different from those which apply to new MFBI's.

The Final Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Final Rule) was published in the Federal Register on October 19, 1979 (44 FR 60690), and became effective November 30, 1979. An amendment to the Final Rule was issued on November 29, 1979, and published in the Federal Register on December 5, 1979 (44 FR 69919). ERA determinations on requests that were received by ERA on or before November 30, 1979, will be made on the basis of the provisions set forth in the Revised Interim Rule or the Final Rule, whichever would result in a more favorable disposition.

As provided for in § 515.26 of the Final Rule, interested persons are invited to submit written comments in regard to this matter, however, no public hearing will be held.

DATES: Written comments are due on or before February 4, 1980.

ADDRESSES: Ten copies of written comments shall be submitted to: Economic Regulatory Administration, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

Docket Number ERA-FC-79-010 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, (Office of Public Information), Economic Regulatory Administration, 2000 M Street NW., Room B-110, Washington, D.C. 20461, Phone (202) 634-2170.

Constance Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 254-7814.

Marx M. Elmer, Office of General Counsel, Department of Energy, Forrestal Building, Room 6G-087, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 634-6557.

SUPPLEMENTARY INFORMATION: The MFBI for which the request for classification was submitted is a packaged boiler (designated as Auxiliary Boiler No. 2 by WEPC) having a design capability to consume fuel oil at a fuel heat input rate of 100.2 million Btu's per hour and will be used to supply low pressure steam for use in the Pleasant Prairie Power Plant's auxiliary equipment during unit startup, shutdown and hot standby. The boiler was scheduled to become operational on December 1, 1979.

Section 515.10 of the Final Rule requires that to be eligible to submit a request to have a transitional facility classified as existing, a contract for the contruction or acquisition of the installation must have been signed prior to November 9, 1978. WEPC states in its request that a contract for the acquisition of Auxiliary Boiler No. 2 was signed on November 7, 1977.

In accordance with the provisions of § 515.13 of the Final Rule, ERA will classify an eligible installation as existing if it is demonstrated to the satisfaction of ERA that the cancellation, rescheduling, or modification of the construction or the acquisition of the installation would result in a substantial financial penalty or a significant operational detriment.

WEPC bases its request for classification of Auxiliary Boiler No. 2 as existing on a demonstration of substantial financial penalty. Pursuant to § 515.13(a), ERA will classify a facility as existing upon demonstration that at least 25 percent of the total projected project cost has been expended in nonrecoverable outlays as of November 9, 1978.

In accordance with § 515.15(b), WEPC has provided the following information to demonstrate that it would incur substantial financial penalty if the construction or acquisition of Auxiliary Boiler No. 2 were to be cancelled, rescheduled, or modified:

- Total projected project cost of as of November 9, 1978: $582,328.
- Total project expenditures, including financial penalties that would have been incurred by cancelling or terminating contracts, as of November 9, 1978: $714,992.
- Total recoverable expenditures: $49,714.
- Total nonrecoverable outlays: $319,617.
- Nonrecoverable outlays as a percentage of total projected project costs as of November 9, 1978: 55 percent.

The public file containing documents on these proceedings and supporting materials is available upon request at:

ERA, Room B-110, 2000 M Street NW., Washington, D.C.
Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on January 8, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-1194 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

Tremont Service Station, Miami Beach, Fla.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order which was issued to Tremont Service Station, 1750 Alton Road, Miami Beach, Florida 33139 on October 25, 1979.

This Proposed Remedial Order charges Tremont Service Station with selling all grades of gasoline in excess of the maximum lawful selling price in violation of 10 CFR 212.93. It was determined that Tremont Service Station violated the Federal Energy Pricing Guidelines by selling above the maximum lawful selling price in the amounts of 8.8¢ per gallon for Regular Leaded, 6.8¢ for Premium Leaded and 6.8¢ for Regular Unleaded. Additionally, Tremont Service Station failed to properly post the maximum lawful selling price for each grade of gasoline as required by 10 CFR 212.129.

Pursuant to 10 CFR 205.192, Tremont Service Station is required by the Proposed Remedial Order to rollback its prices at the pump to effect a refund in overcharges to its customers.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James C. Easterday, District Manager of Enforcement, Southeast District, Office of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30309, Phone: (404) 881-2661. On or before January 29, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C., 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia, on the 21st day of December, 1979.

James C. Easterday,

District Manager.

Approved for Signature.

Leonard F. Bittner,

Chief Enforcement Counsel.

[FR Doc. 80-1193 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-116]

Mississippi Power & Light Co.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Take notice that on December 6, 1979, Mississippi Power and Light Company (MP&L) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Delta Steam Electric Station Unit #1 (DSES #1) and Delta Steam Electric Station Unit #2 (DSES #2) located on Cleveland, Mississippi, pursuant to 10 CFR Part 595 (44 FR 37920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126-A, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m.-4:30 p.m. Monday through Friday, except Federal holidays.

In its application, MP&L states that the volume of natural gas for which it requests certification is up to 40,000 Mcf per day which is estimated to displace the combined use of approximately 6,200 barrels of No. 6 residual fuel oil (2.5 percent sulfur) per day at DSES #1 and DSES #2.

The eligible seller and transporter is the Michigan Wisconsin Pipeline Company, One Woodward Avenue, Detroit, Michigan 48226.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126-A, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before January 24, 1980.

An opportunity to make an oral presentation of data, views, and arguments whether against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to MP&L and any persons filing comments, and published in the Federal Register.

Issued in Washington, D.C., on January 9, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-1321 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-109]

Stauffer Chemical Co.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Take notice that on October 19, 1979, Stauffer Chemical Company (Stauffer), Westport, Connecticut 06880, filed a application for certification of an eligible use of natural gas to displace fuel oil at its plant complex at Mount Pleasant, Tennessee, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126-A, 2000 M Street, N.W., Washington, D.C., 20461, from 8:30 a.m.-4:30 p.m. Monday through Friday, except Federal holidays.

In its application, Stauffer states that the volume of natural gas for which it requests certification is up to 650 Mcf per day, which is estimated to displace up to 4,640 gallons of No. 2 fuel oil (0.3 percent sulfur) per day at Stauffer's Mount Pleasant plant complex.

The eligible seller is Texas Pacific Oil Company, Inc., 1700 One Main Place, Dallas, Texas 75250. The gas will be transported by the Tennessee Gas Pipeline Company, Tenneco, Building, P.O. Box 2511, Houston, Texas 77001, and the East Tennessee Natural Gas Company, P.O. Box 10245, Knoxville, Tennessee 37919.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr Finn K. Neilsen, on or before January 24, 1980.

An opportunity to make an oral presentation of data, views and arguments whether against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the persons is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to Stauffer and any persons filing comment, and published in the Federal Register.

Issued in Washington, D.C., on January 9, 1980

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations Economic Regulatory Administration.

[FR Doc. 80-1320 Filed 1-11-80; 8:45 am]

BILLING CODE 6450-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 9
Monday, January 14, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Monday, January 14, 1980, 9 a.m.–4 p.m. Tuesday, January 15, 1980, 10 a.m.–4 p.m.

PLACE: Room 512, 1121 Vermont Avenue, N.W., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Monday, January 14:

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Staff Director's Report:
A. Status of funds,
B. Personnel report,
C. Office Directors' reports,
D. Correspondence:
1. Letter from FEMA Director John Macy, Jr. re insurance redlining.
2. Letter from Treasury Deputy Secretary Robert Carswell re municipal services in Mullins, S.C.
3. Response from Transportation Secretary Neil Goldschmidt.
4. Letter from OCR Director Roma Stewart re Ft. Wayne school desegregation.
5. Letter from Agriculture Secretary Bergland re "Where Mules Outrate Men".
E. Report on S. 10, civil rights of institutionalized persons.
IV. Report on Civil Rights Developments in the Central States' Region.
V. SAC Re-Charters:
A. New Hampshire,
B. New York.
VI. Review of Briefs in *Idaho* v. *Rowland.*
VII. Review of Immigration Issues.
VIII. Review of Title IX Monograph.

MATTERS TO BE CONSIDERED: Tuesday, January 15, 10–11:30 a.m.: Press Conference—release of Annual Report of USCCR.

MATTERS TO BE CONSIDERED: Tuesday, January 15, 1–4 p.m.:

IX. Review and Recommendation re Biases Against Minorities and Females in Textbooks.
X. Status Report on Federal Affirmative Action Efforts Since Bakke.
XI. Review of Health Consultation Design.
XII. Discussion re Age Discrimination in Housing Project.
XIII. Monograph on Federal Fair Housing Efforts.

CONTACT PERSON FOR FURTHER INFORMATION: Roy Johnson or Charles Rivera, Press Communications Division, Room 505—(202) 254–6697.

[S-60-80 Filed 1-10-80; 2:23 pm]
BILLING CODE 6335-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, January 15, 1980.

PLACE: Commission Conference Room 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington D.C. 20506.

MATTERS TO BE CONSIDERED:

1. Final 706 Agency Designation for Wisconsin State Personnel Commission.
2. Revised Mission and Function Statements for the Office of Systemic Programs and the Office of General Counsel.
3. Proposed ratification of an Unauthorized Modification to a Contract in connection with a court case.
4. Proposed sole source contract for actuarial services in connection with a court case.
5. Proposed sole source contract for work force analysis services in connection with a court case.
6. Freedom of Information Act Appeal No. 79-11-FOIA-379.
7. Report on Commission Operations by the Executive Director. Closed to the public: Litigation authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634–6750.

This notice issued January 8, 1980.

[S-65-80 Filed 1-10-80; 3:53 pm]
BILLING CODE 6570-06-M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, January 16, 1980.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

General—1—Title: Notice of Proposed Rule Making to implement changes in the frequencies, operating procedures and other criteria relating to radiotelephony in the band 4000—23000 kHz in the maritime mobile service adopted at the World Maritime Administrative Radio Conference, Geneva, 1974. Summary: The FCC is proposing to finalize the frequencies now assigned in the temporary assignment plan and make changes which will redefine the classes of stations to separate radiotelegraphy and radiotelephony stations and define the radiotelephony stations by the frequency band assigned. There will be a temporary requirement for coast stations to submit utilization data on all frequencies assigned to assist us in evaluating the frequency assignments to satisfy the operational requirements of the maritime mobile service.

General—2—Title: Memorandum Opinion and Order to deny Petitions for Reconsideration of the First Report and Order in Docket 21505. Summary: The FCC, by Memorandum Opinion and Order, denies three Petitions for Reconsideration of the First Report and Order in Docket 21505 because they raised issues which were previously considered by the Commission. A Motion to defer effective date of rule amendments pending reconsideration, filed by the American Broadcasting Companies, Inc. (ABC), is also denied. The Petitions were filed by ABC, the National Association of Broadcasters (NAB), and the National Broadcasting Company, Inc. (NBC).

General—3—Title: Rulemaking petitions (RM-3059, 2728, 2101) request that a new radio service be established and frequencies be allocated for state entities to develop civil disaster radio response programs. Summary: The FCC will consider whether to adopt or deny three rulemaking petitions. The petitions propose that the FCC establish a new radio service and allocate frequencies to allow states, territories, and possessions to develop radio systems for responding to disaster emergencies. The FCC will consider the following issues (1) Whether the desired radio communications capability is required; (2) Whether the present FCC rules and allocations can adequately accommodate the desired radio communications; (3) What new or modified rules, if any, should be proposed to accommodate the desired radio communications.

General—4—Response to GAO Report B-145252 entitled FCC's Decision to Consolidate Licensing Division in Gettysburg Was Made Without Adequate Analysis.

Private Radio—1—Title: Proposed rule making to revise the current R/C Radio Service Rules into plain language. Summary: The Commission will consider whether or not to adopt a proposed rule making to revise the R/C Rules into plain language. No substantive changes in the current R/C Rules are proposed. The proposed version of the R/C Rules is similar to the style of the plain language CB Rules released by the Commission on March 22, 1978.

Private Radio—2—Eligibility of OAS for licensing in the General Mobile Radio Service.

Private Radio—3—Title: Notice of Proposed Rule Making to allow the operation of low-powered radio transmitters by Police Radio Service licensees in the 30–50 MHz, 150–174 MHz, and 450–470 MHz. (RMs 2357, 3094, and 2314). Summary: The FCC proposes to amend Parts 2 and 90 of the Commission's rules to allow Police Radio Service licensees, without prior specific Commission approval, to operate low-power radio transmitters, on a secondary, non-interference basis, on frequencies in the 30–50 MHz, 150–174 MHz, and 450–470 MHz bands.

Private Radio—4—Title: Report and Order disposing of a proposal to delete Section 97.25(d) regarding telegraphy credit from the Amateur Radio Service Rules. Summary: The Report and Order disposes of a proposal to delete the provision of the Amateur Radio Service Rules to which allowed credit for the telegraphy portion of the Amateur Extra Class examination to those who held the Amateur Extra Class license. The deletion has been proposed in response to evidence which suggested that the provision is obsolete.

Private Radio—5—Title: Rulemaking petition (RM 3113) to allow more than one aeronautical enroute station at any one location. Summary: The FCC will consider whether to adopt or deny rulemaking petition RM 3113. The rulemaking petition proposes that the FCC change its policy of authorizing only one aeronautical enroute station at any one location. Enroute stations provide air-ground communication for the operational control (flight management) of aircraft by the owners or operating companies. The FCC will discuss the nature and purposes of the present aeronautical enroute regulations and what effect multiple enroute station licensees at any one location would have on this aviation service.

Common Carrier—1—Title: Memorandum Opinion and Order re MTS and WATS Market Structure Inquiry. Summary: The FCC is conducting an inquiry to determine whether MTS and WATS services should be provided by a single carrier or by multiple carriers. Alascom, Inc. has filled a petition to modify or clarify the Supplemental Notice in the inquiry to state that prior Commission orders have already determined that MTS–WATS services between Alaska and other states should be provided by a single carrier.

Cable Television—1—"Petition for Special Relief and Order to Show Cause" filed by Station WSBK–TV, Boston, Massachusetts, against Colonial Cablevision of Revere, Inc. and Warner Cable Corp. serving Revere and Medford, respectively. Summary: WSBK–TV has requested the Commission to order the two cable systems involved to cease violating the syndicated exclusivity rules in the future (76.151(b)). WSBK–TV has also asked that a forfeiture be assessed against the cable systems for their past violations. Among the issues to be considered are (1) Have the violations in question occurred? (2) Has the syndicated notices sent by Storer complied with the Commission's Rules?

Cable Television—2—Title: Big Valley Cablevision, Inc.'s Petition for Special Relief and Application for Renewal of License in the Cable Television Relay Service. Summary: Big Valley Cablevision has petitioned the Commission to waive its distant signal carriage of three otherwise inconsistent distant network signals. Big Valley argues that the signals at issue are currently available over-the-air and that their carriage will not adversely affect local broadcasters.

Renewal—1—Title: EEO Goals and Timetables. Summary: Agenda item asking the Commission to accept the goals and timetable for Stations WDEN–AM and FM and sending the attached letter notifying the stations of the Commission's acceptance with the reminder of filing periodic EEO progress reports.

Aural—1—Title: Application by Doubleday Broadcasting Company, Inc., to relocate the transmitter of FM Station WWWK, Granite City, Illinois and an objection thereto by Metroplex Communications of Missouri. Summary: The gravamen of the Metroplex objection concerns FM blanketing, substandard mileage separations and a possible *de facto* reallocation to St. Louis.

Broadcast—1—Elimination of financial qualification showing by AM, FM, and TV licensees in applications for changes in existing station (Forms 301 and 340). Commission considers whether to eliminate its requirement for a detailed financial showing by AM, FM and TV licensees in applications for changes in existing stations (Forms 301 and 340).

Broadcast—2—Reregulation and Rules Oversight of Radio and TV Broadcasting. Modification and clarification of rules pertaining to—

Local public inspection file, to make clear that copies of material in file must be made available for machine reproduction by applicants for construction permits for new stations as well as for permittees and licensees of radio and TV stations.

STA's and program test authority, to relax by deleting FCC telegram confirmation to certain licensee requests and supplant with a simpler procedure of notification to FCC by licensee.

Program logs, by correcting placement of Section number and title, and correcting cross references.

FCC Policy listing: eight are added to rule book with citations.

Lotteries, by adding "fishing" exemption to rule (§ 73.1211).

Ownership reporting rule (§ 73.3615) to correct reporting requirements by certain corporate licensees.

Broadcast—3—Notice of Proposed Rule Making to amend Section 73.653 of the Rules concerning operation of visual and aural transmitters of TV stations.

Complaints and Compliance—1—Reply to a Notice of Apparent Liability for a forfeiture by the licensee of Stations WCIR and WCIR–FM, Beckley, West Virginia. The Commission will consider replies by the licensee of Stations WCIR and WCIR–FM to a Notice of Apparent Liability for a forfeiture of $3,200 for various technical violations of the Rules.

Complaints and Compliance—2—Title: Application by Tuscola Broadcasting Company, licensee of Stations WKYO and WIDL(FM), Caro, Michigan for review of Broadcast Bureau's action assessing a forfeiture for broadcast of lottery information. Summary: Tuscola Broadcasting Company, licensee of Stations WKYO and WIDL(FM), Caro, Michigan has requested the Commission to review orders of the Broadcast Bureau assessing a forfeiture of $1,000 for the broadcast of lottery information. Tuscola contends that the promotion which it broadcast was not a lottery because one of the legal elements required to establish a lottery (i.e., consideration) was absent. Tuscola argues that consideration was not present in the promotion since, in its view, purchasers and nonpurchasers were able to compete for prizes on a reasonably equal basis. The Commission must decide whether to grant the application for review and if so whether the forfeiture should be remitted or reduced.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632–7260.

Issued: January 10, 1980.

[S–63–80 Filed 1–10–80; 3:22 pm]

BILLING CODE 6712–01–M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, January 16, 1980.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Closed Commission Meeting following the Open Meeting which is scheduled to commence at 9:30 a.m.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

General—1—Proposed Commission Regulations for Competitive Areas and Notice Period for Reduction In Force.

Complaints and Compliance—1—Results of a (1) field investigation into the operation of Radion Station WAVS, Ft. Lauderdale, Florida, licensed to Radio WAVS, Inc. (2) Applications for renewal (BR–4841, supplemented by BR–781003UB) and

assignment (BAL-781027ED) of WAVS. (3) Petition to deny assignment application for WAVS filed by Celebrities, Inc.

Complaints and Compliance—2—Results of a field investigation into the operation of Radio Station WBRY, Woodbury, Tennessee, licensed to Tennessee Valley Broadcasting Corporation.

Hearing—1—Petition for leave to amend the application of TV 9, Inc., and related pleadings in the Orlando, Florida, comparative television proceeding (Docket Nos. 11083, et al.).

Hearing—2—Motion to terminate renewal proceeding involving WSAY, Rochester, and WNIA, Cheektowaga, New York, and request for WNIA to go silent, filed by Federal Broadcasting System, Inc. and Niagara Broadcasting System (Federal). Docket Nos. 20791-2.

Hearing—3—Petition for extraordinary relief in the Portsmouth, Virginia, broadcast renewal proceeding (Docket Nos. 21278 and 21279).

Hearing—4—Appeal from ruling of Presiding Judge and motion for stay in the KRLA, Pasadena, California, comparative AM proceeding (Docket Nos. 15752, 15754-56, and 15764-66).

Hearing—5—Petition to enlarge issues, filed by Roy M. Teel, d.b.a. Houston Radiophone Service (Houston) and related pleadings, certified to the Commisison by the Review Board; and a subsequently filed joint settlement agreement, certified by the Administrative Law Judge in the comparative proceeding involving the DPLMRS applications of Houston, and Southwestern Bell Telephone Co. (Southwestern) (Docket Nos. 20262 and 20263).

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: January 10, 1980.

[S-64-80 Filed 1-10-80; 3:22 pm]

BILLING CODE 6712-01-M

5

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 10:00 a.m., January 17, 1980.

PLACE: 1776 G Street, N.W., Washington, D.C., 7th Floor, Board Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.
2. Declaration of Central Liquidity Facility quarterly dividend.
3. Extension of experimental pilot program: shared automatic teller machines.
4. Applications for charters, amendments to charters, bylaw amendments, mergers, conversions and insurance as may be pending at that time.

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady, Secretary of the Board, telephone: (202) 357-1100.

[S-61-80 Filed 1-10-80; 2:29 pm]

BILLING CODE 7535-01-M

6

POSTAL RATE COMMISSION.

TIME AND DATE: 2:00 p.m., Tuesday, January 15, 1980.

PLACE: Conference Room, Room 500, 2000 L St., N.W., Washington, D.C.

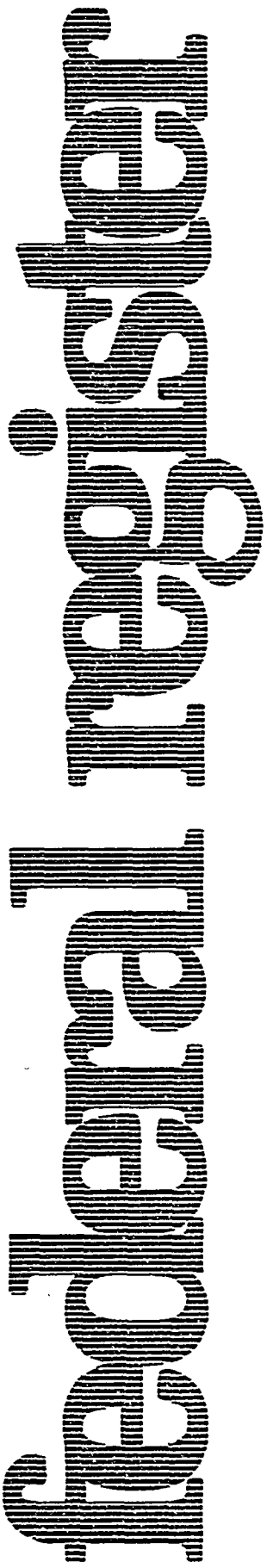
STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. MC78-2 (Third-class Carrier Route Presort Proposal). [Closed pursuant to 5 U.S.C. 552b(c)(10)]

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, telephone (202) 254-5614.

[S-62-80 Filed 1-10-80; 2:29 pm]

BILLING CODE 7715-01-M



Monday
January 14, 1980

Part II

National Credit Union Administration

Privacy Act of 1974; Annual Publication of Systems of Records

NATIONAL CREDIT UNION ADMINISTRATION

Privacy Act of 1974

Systems of Records, Annual Publication

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of Annual Publication of Systems of Records.

SUMMARY: In accordance with 5 U.S.C. § 552a(e)(4), NCUA publishes the systems of records as currently maintained by the agency.

EFFECTIVE DATES: The annual publication of systems of records is effective on January 14, 1980.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Beatrix Fields, Attorney-Advisor, Office of the General Counsel, at the above address or telephone, (202) 357-1030.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. § 552a(e)(4), the National Credit Union Administration (NCUA) hereby publishes its systems of records as currently maintained by the Agency. These systems were last published in the Federal Register at 42 FR 48770 through 48781 on September 23, 1977. Public notice of a new system of records was made in the Federal Register at 44 FR 12782 on March 8, 1979.

All previous systems of records have been renumbered. Seven systems of records have been eliminated in that the systems were either obsolete or are included in the revised Office of Personnel Management Government-wide systems of records (Published at 44 FR 61702, October 26, 1979).

The appendix has been revised into two parts. Appendix A lists the standard routine uses which are applicable to all NCUA systems of records. Appendix B lists the NCUA regional office locations, telephone numbers and states covered by each regional office.

Editorial changes were also made to clarify certain system notices, but none of these alterations are substantive so as to require prior public notice and comment period. It should be noted that the management of the agency changed during 1979, from an Administrator to a three member Board. The National Credit Union Administration Board will be referred to as "the Board" throughout the systems of record notices.

By the National Credit Union Administration Board on January 7, 1980.

ROSEMARY BRADY,
Secretary of the Board.

Authority: Section 120, 73 Stat. 635 (12 U.S.C. 1766), Section 209, 84 Stat. 1014 (12 U.S.C. 1789), and Section 3, 88 Stat. 1897 (5 U.S.C. 552a).

TABLE OF CONTENTS

List of Systems

Note: See Appendixes for general "routine uses" applicable to each system of records and for a listing of the locations of NCUA regional offices.

NCUA-1

System name: Employee Security Investigations Containing Adverse Information, NCUA.

System location: Office of Administration, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: NCUA employees on whom a routine Office of Personnel Management (OPM) security investigation has been conducted, the results of which contain adverse information.

Categories of records in the system: May consist of police records and/or information on moral character, integrity, or loyalty to the United States.

Authority for maintenance of the system: Records maintained pursuant to OPM requirements. A separate notice is published because these records are maintained separately to provide extraordinary safeguards against unwarranted access and disclosures.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records are reviewed by the NCUA Security Officer, and if determined to be of substantive nature, they are forwarded to the Board for whatever action, if any, is deemed necessary. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on paper hard copy.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in a separate, locked room, accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants.

Retention and disposal: Once disposition, if any, has been made, a record is maintained until the individual whom it concerns has left the employ of NCUA, whereupon it is either returned to the originating agency or destroyed.

System manager(s) and address: Security Officer, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456. **Notification procedure:** An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Adjudication Branch, Division of Personnel Investigation, OPM; Federal Bureau of Investigation.

Systems exempted from certain provisions of the act: In addition to any exemption to which this system is subjected by Notices published by or regulations promulgated by the OPM, the system is subjected to a specific exemption pursuant to 5 U.S.C. § 552a(k)(5) to the extent that disclosures would reveal a source who furnished information under an express promise of confidentiality, or prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA-2

System name: Security Clearance Records of Personnel Occupying Sensitive Positions, NCUA.

System location: Office of Administration, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: NCUA personnel who occupy sensitive positions in the agency, including the Security Officer and his designated assistants.

Categories of records in the system: Background investigations on individuals to determine fitness for security clearance. Information consists chiefly of records of interviews conducted by the Office of Personnel Management (OPM) and the Federal Bureau of Investiga-

tion (FBI) officials with parties acquainted with the individual under investigation. Interview questions concern character, integrity and loyalty to the United States.

Authority for maintenance of the system: 5 U.S.C. § 301, 44 U.S.C. § 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information is used to determine fitness for security clearance. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in the form of paper hard copy.

Retrievability: The system is indexed by name.

Safeguards: Records are maintained in a separate, locked room accessible only to the Security Officer and his designated assistants.

Retention and disposal: Records are maintained until the individual leaves the employ of NCUA, whereupon they are returned to the originating agency.

System manager(s) and address: Security Officer, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: FBI; Division of Personnel Investigation, OPM; Central Intelligence Agency.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. § 552a(k)(5) to the extent that disclosure would reveal a source who furnished information under an express promise of confidentiality, or, prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA-3

System name: Payroll Records System, NCUA.

System location: (1) Office of the Comptroller, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456. (2) General Services Administration, Region VI, Kansas City, Missouri.

Categories of individuals covered by the system: Employees of NCUA.

Categories of records in the system: Salary and related payroll data, including time and attendance information.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information is used to ensure proper compensation to all NCUA employees and to formulate financial reports and plans used within the agency or is sent to the General Services Administration (GSA). (2) Also, information is used to document time worked and provide a record of attendance to support payment of salaries and use of annual, sick and nonpayed leave. (3) Users of the time and attendance information include the employee's supervisor, the office's timekeeper, the payroll officer and the GSA National Payroll Center in Kansas City, Missouri. (4) Further, information in this system is used to make reportings to state and local taxing authorities. (5) Standard routine uses set forth in the Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on computer tape, paper hard copy and microfilm.

Retrievability: Records are retrieved by name or social security number.

Safeguards: Records are maintained in security offices, accessible by written authorization only.

Retention and disposal: Records are retained and disposed in accordance with GSA policy.

System manager(s) and address: Primary: Payroll Officer, Office of the Comptroller, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456; Secondary: Office Timekeepers, National Credit Union Administration, Central Office (1776 G St., NW, Washington, DC 20456) and Regional Offices (see Appendix B for Regional Office addresses).

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: The individual whom the record concerns; OPM; GSA. Also, time and attendance information is prepared by the timekeeper in a given employee's office.

NCUA-4

System name: Verified Employee Mailing List, NCUA.

System location: (1) Office of Administration, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456. (2) Contractor's Address: Mail America, Bumpy Oak Road, Bryan's Road, Maryland.

Categories of individuals covered by the system: NCUA Employees.

Categories of records in the system: Name, address, telephone number, birthday, ethnic and sex codes, GS grade, employee type, employee identification number. Contractor is provided a tape containing all employees' names, addresses, employee numbers, regions and GS grades.

Authority for maintenance of the system: 5 U.S.C. § 301; 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information is used to produce mailing labels and make reportings to the EEO Director and other NCUA employees with an official need for a listing of NCUA employees, such as, the ranking panel, Office Directors, etc. (2) Also, the information is used to generate an NCUA telephone directory for distribution to all NCUA employees. (3) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on computer disc 3330.

Retrievability: Records are maintained by employee identification number.

Safeguards: The SCL decks are only available to three persons in the Division of Information Systems, Office of Comptroller and the computer terminal is maintained in a room which is secured by a padlock after work hours.

Retention and disposal: Information is maintained on active, retired and deceased employees for an indefinite period of time.

System manager(s) and address: Assistant Comptroller for Division of Information Systems, Office of Comptroller, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: NCUA Form 1042 is completed for each new employee by personnel staff or the Regional Office Manager. Form 1051 is completed by same to report changes.

NCUA-5

System name: Travel System, NCUA.

System location: Division of Financial Management, Office of the Comptroller, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: All professional and semi-professional NCUA employees who have traveled in the course of performing their duty and have been reimbursed for the expense of such travel.

Categories of records in the system: Travel Advance Cards (SF 1038), Travel Vouchers (1012), Reimbursement for COS expenses (NCUA 1302), Authorization of Moving and Related Travel Expenses for COS (NCUA 1301), Travel Orders (NCUA 1500), Suspension Statements (NCUA 1311).

Authority for maintenance of the system: 5 U.S.C. sections 5701–5752; Executive Order 11609 (July 22, 1971); Executive Order 11012 (March 27, 1962); 5 U.S.C. Sections 4401–4118; Federal Travel Regulation, FPMR 101–7 Chapter 2, Section 6.3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records are used to provide documentary support for reimbursements to employees for on-the-job travel expenses. (2) Users of the information include first and second line supervisors, NCUA accounting staff and budgeting staff. (3) Standard Routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in paper hard copy form.

Retrievability: Records are retrievable alphabetically by surname.

Safeguards: Records are maintained in secured offices.

Retention and disposal: Records are maintained in the Division of Financial Management until the annual GAO audit is completed after which records are sent to a Federal Records Center for storage for a minimum of three years.

System manager(s) and address: Accounting Officer, Division of Financial Management, Office of ther Comptroller, National Credit Union Administration, 1776 G St., NW., Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Records are prepared by the individual whom the record concerns.

NCUA–6

System name: New Examiner Training Files, NCUA.

System location: (1) Division of Training and Career Development, Office of Administration, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456. (2) Regional Office where new employee is assigned. (See Appendix B for Regional Office locations.) Records are transferred to the Division of Training and Career Development at the end of the training period.

Categories of individuals covered by the system: NCUA examiners—from entry level to one year on staff.

Categories of records in the system: Biweekly training reports, training progress reports, on-the-job trainers' evaluations of class room training, trainees' evaluations of training program.

Authority for maintenance of the system: 5 U.S.C. sections 4101–4118.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information used to determine retention or termination of a new examiner after 23 weeks of on the job training. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on paper hard copy.

Retrievability: Records are retrievable by employee name.

Safeguards: Records are maintained in metal file cabinets in secured offices of each regional Office and in the Division of Training and Career Development.

Retention and disposal: Records are purged annually for those employees no longer participating in the program.

System manager(s) and address: Assistant Director for the Division of Training and Career Development, Office of Administration, National Credit Union Administration, 1776 G St., N.W., Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Individual on whom the record is maintained; on-the-job trainers; supervisors; Office of Personnel Management.

NCUA–7

System name: Region I Employee Development/Correspondence Records, NCUA.

System location: Region I Regional Office, National Credit Union Administration, State Street South Building, Room 3E, 1776 Heritage Drive, Boston, Massachusetts 02171.

Categories of individuals covered by the system: NCUA Region I Employees.

Categories of records in the system: Contains information on NCUA examainers and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; information concerning training; work performance; suggestions; awards; travel vouchers; and information concerning leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; development plans; evaluations by superiors; copies of personnel records; and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. section 301; 44 U.S.C. section 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on paper hard copy.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Physical security consists of maintaining records in locked metal file cabinets within secured offices.

Retention and disposal: Current and relevant information is maintained generally for a period of at least one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

System manager(s) and address: Administrative Officer, Region I Regional Office, National Credit Union Administration, State Street South Building, Room 3E, 1776 Heritage Drive, Boston, Massachusetts 02171.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the Regional Director will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the Regional Director.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons whom the individual may encounter in the course of work performance. Sources for payroll and personnel related information may include the General Services Administration and the Office of Personnel Management.

NCUA–8

System name: Region II Employee Development/Correspondence Records, NCUA.

System location: Region II Regional Office, National Credit Union Administration, Federal Building, 228 Walnut Street, Box 926, Harrisburg, Pennsylvania 17108.

Categories of individuals covered by the system: NCUA Region II Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; and data on leave and pay activities. Also, this system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product

samples, memos or notations for professional staff; development plans; evaluations by superiors; copies of personnel records; and information concerning pay and leave activity.

Authority for maintenance of the system: 6 U.S.C. § 301, 44 U.S.C. § 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on paper hard copy.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Physical security consists of maintaining records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain.

Retention and disposal: Current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

System manager(s) and address: Administrative Officer, Region II Regional Office, National Credit Union Administration, Federal Building, 228 Walnut Street, Box 926, Harrisburg, Pennsylvania 17108.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the Regional Director will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the Regional Director.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Sources for payroll and personnel related information may include the General Services Administration and the Office of Personnel Management.

NCUA-9

System name: Region III Employee Development/Correspondence, NCUA.

System location: Region III Regional Office, National Credit Union Administration, 1365 Peachtree Street, Suite 500, Atlanta, Georgia 30309.

Categories of individuals covered by the system: NCUA Region III Employees.

Categories of records in the system: contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; and data on leave and pay activities. Also, this system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples, memos or notation from professional staff; development plans; evaluations by superiors; copies of personnel records; and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. § 301; 44 U.S.C. § 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on paper hard copy.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Physical security consists of maintaining records in locked metal file cabinets within secured offices.

Retention and disposal: Current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

System manager(s) and address: Administrative Officer, Region III Regional Office, National Credit Union Administration, 1365 Peachtree Street, Suite 500, Atlanta, Georgia 30309.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the Regional Director will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the Regional Director.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Sources for payroll and personnel related information may include the General Services Administration and the Office of Personnel Management.

NCUA-10

System name: Region IV Employee Development/Correspondence Records, NCUA.

System location: Region IV Regional Office, National Credit Union Administration, New Federal Building, 234 North Summit Street, Room 704, Toledo, Ohio 43604.

Categories of individuals covered by the system: NCUA Region IV Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FUC officials; personal development plans; copies of personnel records; supply and equipment information; and data on leave and pay activities. Also, this system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples, memos or notations from professional staff; development plans; evaluations of superiors; copies of personnel records; and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. section 301; 44 U.S.C. section 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on paper hard copy.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Physical security consists of maintaining records in metal file cabinets within secured offices.

Retention and disposal: Current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Administrative Officer, Region IV Regional Office, National Credit Union Administration, New Federal Building, 234 North Summit Street, Room 704, Toledo, Ohio 43604.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the Regional Director will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the Regional Director.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons whom the individual encounters in the course of work performance. Sources for payroll and personnel related information may include the General Services Adminstration and the Office of Personnel Management.

NCUA-11

System name: Region V Regional Office Staff Development/Correspondence Records, NCUA.

System location: (1) Region V Regional Office, National Credit Union Administration, 515 Congress Avenue, Suite 1400, Austin, Texas 78701. (2) Development files on the examiners are maintained by the Supervisory Examiners in their home offices, not in the regional office.

Categories of individuals covered by the system: NCUA Region V Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; and data on leave and pay activities. Contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples, memos or notations from professional staff; development plans; evaluations by superiors; copies of personnel records; and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. section 301; 44 U.S.C. section 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) The information in this system is used for recording time and attendence, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standards routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on paper hard copy.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Physical security consists of maintaining records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain.

Retention and disposal: Current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

System manager(s) and address: Secretaries to the Regional Director and the Assistant Regional Director, Region V Regional Office, National Credit Union Administration, 515 Congress Avenue, Suite 1400, Austin, Texas 78701.

Notification procedure: Examiners may inquire as to whether the system contains a development record pertaining to the individual by addressing a request in person or by mail to the examiner's supervisory examiner at the supervisory examiner's home office. All other individuals may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the Regional Director or the appropriate supervisory examiner will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the Regional Director.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons whom the individual encounters in the course of work performance, Sources for payroll and personnel related information may include the General Services Administration and the Office of Personnel Management.

NCUA-12

System name: Region VI Regional Office Staff Development/Correspondence Records, NCUA.

System location: (1) Region VI Regional Office, National Credit Union Administration, Two Embarcadero Center, Suite 1830, San Francisco, California 94111. (2) For examiners, a copy of these records is also located with the examiner's supervisor in the field.

Categories of individuals covered by the system: NCUA Region VI Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; and data on leave and pay activities. Also, this system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples, memos or notations from professional staff; development plans; evaluations by superiors; copies of personnel records; and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. § 301; 44 U.S.C. § 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) The information in this system this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on paper hard copy.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Physical security consists of maintaining records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain.

Retention and disposal: Current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

System manager(s) and address: Administrative Officer, Region VI Regional Office, National Credit Union Administration, Two Embarcadero Center, Suite 1830, San Francisco, California 94111.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the Regional Director will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the Regional Director.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course at work performance. Sources for payroll and personnel related information may include the General Services Administration and the OPM.

NCUA-13

System name: Retirement File, NCUA.

System location: Office of Administration, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: Any employee who submits an application for retirement.

Categories of records in the system: Copy of each individual's application for retirement and any supporting material, i.e, supervisor's statement, physician's report and hospital records. Also contains the Office of Personnel Management (OPM) decision on disability cases.

Authority for maintenance of the system: 5 C.F.R. Part 831.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information is a duplicate copy which is retained in the event the original papers are lost before adjudication of the claim. (2) Information used by Division of Personnel staff. (3) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on paper.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in locked file drawer.

Retention and disposal: Records are disposed of one year after retirement.

System manager(s) and address: Assistant Director for Division of Personnel, Office of Administration, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Individual on whom the record is maintained; supervisor of individual; individual's physician; hospital attending individual; OPM.

NCUA-14

System name: Emergency Information (Employee) File, NCUA.

System location: Office of Administration, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: NCUA Central Office employees.

Categories of records in the system: Contains personal information on employee, i.e. height, weight, hair color, eye color, current address and telephone number. Also identifies the individual to contact in case of an emergency situation with the employee.

Authority for maintenance of the system: 5 U.S.C. § 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) The Division of Personnel (DOP) uses certain personal information for preparing the employee ID cards. (2) Further, the information on the individual to contact in cases of emergency is used by DOP and others on a need-to-know basis. (3) The Security Officer maintains a list of all employees, with addresses and telephone numbers. The list is updated monthly. This information is used when there is a national emergency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on paper.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in locked file drawer.

Retention and disposal: Records are disposed of after an employee is separated from the agency.

System manager(s) and address: (1) Assistant Director for Division of Personnel, Office of Administration. (2) Security Officer, Office of Administration, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the appropriate system manager listed above. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the appropriate system manager listed above.

Record source categories: Individual on whom the record is maintained.

NCUA-15

System name: Employee Injury File, NCUA.

System location: Office of Administration, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: Any employee who has sustained a job-related injury or disease.

Categories of records in the system: Copies of reports submitted by individual who has sustained a job-related injury or disease. Copies of any further claims made regarding the same injury or disease or any other material required for documenting and adjudicating the claim.

Authority for maintenance of the system: Occupational Safety and Health Act 1970, 29 C.F.R. Part 1960.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information is maintained to provide appropriate information to the Department of Labor, when needed, for adjudication of a claim. (2) Further, information is used for reporting purposes as required by the Department of Labor on a recurring basis. (3) Use is limited to Division of Personnel staff. (4) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on paper.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in locked file drawer.

Retention and disposal: Records are disposed of five years after the year to which they relate.

System manager(s) and address: Assistant Director for Division of Personnel, Office of Administration, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Individual on whom the record is maintained; supervisors of individual; individual's physician; hospital attending individual; Department of Labor.

NCUA-16

System name: Investigative Reports Involving Possible Felonies and/or Violations of Federal Credit Union Act, NCUA.

System location: Office of Administration, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: Credit union employees who have misused or are suspected of having misused their trust in the credit union, and who have subsequently been investigated or prosecuted. Also, records may be maintained concerning credit union members involved or suspected of involvement in felonies or infractions under the Federal Credit Union Act. Records are maintained on robberies, burglaries and other crimes against credit unions. Information in this system is rarely indexed by the names or other identities of suspected perpetrators.

Categories of records in the system: Investigative reports relating to possible felonies and violations of the Federal Credit Union Act (embezzlements, improper allocation of credit union funds, etc.).

Authority for maintenance of the system: 12 U.S.C. §§ 1776 and 1789.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information is used to determine if any further agency action should be taken. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on paper hard copy.

Retrievability: System is indexed by credit union name.

Safeguards: Records are maintained in a separate locked room accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants.

Retention and disposal: After records have served the operational needs of NCUA and after disposition of the subject matter of the records, they are returned to the originating agency or destroyed.

System manager(s) and address: Security Officer, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Federal Bureau of Investigation.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. § 552a(k)(2), as the system of records is investigatory material compiled for law enforcement purposes.

NCUA-17

System name: Breach of Trust Statement: Nonfederal Credit Union/Share Insurance Applicants, NCUA.

System location: Office of Examination and Insurance, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: Directors, Officers, committee members and employees of nonfederal credit union applicants for insurance, as member accounts, by the National Credit Union Share Insurance Find (NCUSIF) who have been convicted of a criminal offense involving dishonesty or a breach of trust.

Categories of records in the system: Any statement which has been filed as a schedule to NCUA Form 9600 (Application for Insurance of Accounts, State Chartered Credit Unions) in response to item 20 of that form, and any follow-up correspondence.

Authority for maintenance of the system: 12 U.S.C. § 1781(c)(1)(C).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) The only recurring use is internal, i.e., to consider the soundness of management of nonfederal credit union share insurance applicants. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on paper.

Retrievability: Records are retrievable by name of credit union combined with name of individual.

Safeguards: Records obtained prior to November 11, 1976, are maintained in the National Credit Union Administration's central credit union filing system, accessible only to authorized NCUA employees. Records obtained on or after November 11, 1976, are maintained in a locked file cabinet under the custody of the system manager.

Retention and disposal: Records are retained indefinitely, as long as the subject credit union retains its NCUSIF-insured status.

System manager(s) and address: Assistant Director for Division of Chartering and Insurance, Office of Examination and Insurance, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Nonfederal Credit Union Share Insurance Applicants.

NCUA-18

System name: Adverse Reports of Officials; Federal Credit Union Charter Applicants, NCUA.

System location: Office of Examination and Insurance, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: Prospective Officials of Federal Credit Union Charter applicants who have been convicted of criminal offenses involving dishonesty or breach of trust.

Categories of records in the system: Reports of Officials (NCUA Form 4012) and related correspondence.

Authority for maintenance of the system: 12 U.S.C. § 1781(c)(1)(C).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) The only recurring use is internal, i.e., to consider the soundness of proposed officials of the Federal credit union. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on paper.

Retrievability: Records are retrievable by name of credit union combined with name of individual.

Safeguards: Records obtained prior to November 11, 1976, are maintained in the National Credit Union Administration's central credit union filing system, accessible only to authorized NCUA employees. Records obtained on or after November 11, 1976, are maintained in a locked file cabinet under the custody of the system manager.

Retention and disposal: Records are retained indefinitely, as long as the subject credit union retains its NCUSIF-insured status.

System manager(s) and address: Assistant Director for Division of Chartering and Insurance, Office of Examination and Insurance, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. if there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Federal credit union charter applicants.

NCUA-19

System name: Acquired Assets and Share Payouts Records System, NCUA.

System location: Office of the Comptroller, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: Members of liquidating federally-insured credit unions.

Categories of records in the system: Share and account balances, personal data regarding income and debts, payment history.

Authority for maintenance of the system: 12 U.S.C. § 1787.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Data used for payment of insurance claims to shareholders in liquidating federally-insured credit unions. (2) Also, data is used in the collection of outstanding loans, which may include, referral of information to the General Accounting Office or the Department of Justice. (3) Generally, information is used for all purposes necessary to close out the affairs of the closed credit union and carry out all appropriate liquidation related functions of NCUA, including referral of necessary information to facilitate a purchase of the credit union's assets by NCUA or sale to a third party (before or after such purchase), referral of noncredit information to outside address locators, or referral of information to a surety company in pursuit of a fidelity bond claim. (4) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is initially compiled on data conversion sheets prepared by NCUA examiners acting as on-site liquidators. This data is stored on computer tape, from which loan registers may be prepared and furnished to NCUA regional offices or prospective purchasers of the assets of closed credit unions. In addition to data stored on computer tape, data conversion sheets, loan registers, essential share and loan documents, and members' filed claim forms are maintained on paper hard copy. Copies of share and loan documents, incoming payments, and loan portfolios may also be maintained on microfilm copy.

Retrievability: Records are indexed by name of member and by name of closed insured credit union.

Safeguards: Records are maintained in secured offices of the Comptroller.

Retention and disposal: Information is disposed of after ten years retention.

System manager(s) and address: Comptroller, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. if there is no record on the individual, the individual will be so advised. Written inquiries should include name of inquirer, name of closed insured credit union of which inquirer was a member, and share and loan account numbers, if known, in addition to any requirements set by 12 C.F.R. Part 720, Subpart B.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Individual on whom the record is maintained; outside address locators; and share and loan account files of the liquidating credit union of which the individual was a member.

NCUA-20

System name: Member Accounts; Credit Unions Closed for Involuntary Liquidation, NCUA.

System location: Records within this system of records are located at one of the NCUA Regional Offices (listed in Appendix B) for a period of time necessary to answer inquiries of credit union members and to transfer share and loan record information to the Division of

Financial Management, Office of the Comptroller, National Credit Union Administration, 1776 G St., NW, Washington, DC or an outside purchaser. After such time, the remaining records are transferred for storage to one of twelve General Services Administration record storage centers. Records are located in the Regional Office covering the state in which the main office of the liquidating credit union is located (see Appendix B for states covered by each regional office).

Categories of individuals covered by the system: Records in this system of records are maintained on those individuals who were members or employees of a federally insured credit union closed for liquidation and for which the Board served as liquidating agent pursuant to 12 U.S.C. § 1787. Records in this system are subject to the provisions of the Privacy Act only upon completion of the liquidation of a closed federally-insured credit union and three years after cancellation of the CU charter. Prior to such time, records of a closed insured credit union which are held by the Board, only in its capacity as liquidating agent for the closed credit union, are not "agency records" within the meaning of the Privacy Act, and thus the provisions of the Act have no applicability. Prior to charter cancellation, however, records or information may be transmitted from this system into another NCUA system of records, such as, NCUA System 19—Acquired Assets and Share Payouts Records System, and in such a case, the records as contained in the second system will be considered agency records to the extent that they are maintained for a purpose other than those attributable to functions of the liquidating agent (e.g., for share insurance payout purposes, collection of purchased assets, etc.).

Categories of records in the system: Information concerning an individual's membership in and share and loan transactions with the credit union which has been closed for liquidation, membership card, individual share and loan ledgers, notes, security documents, promissory notes and extension agreements, if any. Also included are employee payroll records and data. As further explained above, in the "Categories of individuals . . ." portion of this descriptive system notice, records of a closed insured credit union are generally subject to the provisions of the Privacy Act three years after completion of the liquidation of the credit union and cancellation of the CU charter.

Authority for maintenance of the system: 12 U.S.C. §§ 1766(b) and 1787.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Actions necessary to close out the affairs of liquidating federally-insured credit unions, including: (a) referral of information to affected credit union members, the NCUA Loan Management System, and any purchasers or prospective purchasers of the closed credit union's assets; (b) referral of information to the credit union's surety in pursuit of fidelity bond claims; and (c) referral of relevant information to any appropriate agency or official in the course of collecting a claim of the United States. (2) Standard routine uses as set forth in Appendix A. (While it is the full intent to comply with the spirit of the Privacy Act with regard to records maintained within this described system, it should again be noted that the provisions of the Privacy Act of 1974, including a limitation of routine uses to those described herein, do not technically apply to the records until they become "agency" records, i.e., until such time as they are transferred to another system within NCUA or at such time as they revert to NCUA three years after the cancellation of the charter of a closed credit union.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records on individual credit union members or employees in this system of records are maintained on member account documents as compiled by individual credit unions prior to entering liquidation.

Retrievability: Member and employee records are generally ordered or indexed by name or account number.

Safeguards: Records within this system are maintained under the control of a designated agent for the liquidating agent who makes only such disclosures from the records as are necessary or required to enable the Board to carry out its responsibilities under the Federal Credit Union Act (12 U.S.C. §§ 1751–1795).

Retention and disposal: The records are maintained in an Regional Office as indicated under the Location section of this notice, for a period necessary to answer inquiries of credit union members and transfer appropriate share and loan information to the NCUA Loan Management System, Washington, DC. After such time, the records are transferred for permanent storage to one of twelve General Services Administration record storage centers.

System manager(s) and address: The system managers for this system of records are the six Regional Directors located at the Regional office addresses set forth in Appendix B.

Notification procedure: If an individual wants to find out whether the records of a closed credit union within this system include records pertaining to that individual, the individual should contact the Regional Director whose jurisdiction includes the state where the main office of the closed credit union was located (see addresses in Appendix B) by mail or in person. The inquiry should contain the name of the inquirer, the name of the closed credit union, the inquirer's credit union account number (if known), a description of the records sought, the approximate dates covered by the records sought, the approximate dates covered by the record, and the name of the system of records.

Record access procedures: Upon request, the Regional Director will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the appropriate Regional Director.

Record source categories: The sole source of information for this system of records is the member-related files and accounting records of federally-insured credit unions which have been closed for liquidation and for which the Board, or its designee, serves as liquidating agent.

NCUA–21

System name: Trusteed Account Records System, NCUA.

System location: Division of Financial Management, Office of the Comptroller, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: Members of liquidating federally-insured credit unions.

Categories of records in the system: Share balances and last known addresses of individuals by whom or on whose behalf insured share account payout claims have been filed.

Authority for maintenance of the system: 12 U.S.C. § 1787.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information is used to ensure proper payment of all trusteed account funds. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on computer printout forms. Signature cards and account records are also maintained on microfilm copy. Information in the system is also stored on computer tape by a private contractor pursuant to an agreement which provides that the information will remain confidential.

Retrievability: Records are retrievable by individual name, credit union name or a combination thereof.

Safeguards: Records are stored in secured offices.

Retention and disposal: Records are maintained until processing of claims is completed, and thereafter, escheated to the appropriate state agency.

System manager(s) and address: Assistant Comptroller for Financial Management, Office of the Comptroller, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request the system manager will set forth the procedures for gaining acess to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Files of federally-insured credit unions which are closed for liquidation.

NCUA–22

System name: Investigation Files, NCUA.

System location: Office of Internal Audit and Investigation (IA), National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: Employees of the NCUA.

Categories of records in the system: Investigative reports.

Authority for maintenance of the system: 12 U.S.C. §§ 1766(i)(1) and 1789(a)(7).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information gathered is used for intra-agency purposes. (2) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports are maintained on paper.

Retrievability: System is indexed by name of complainant.

Safeguards: Records are maintained in locked file cabinet inside a locked room and accessible only to the Director for IA and designated assistants.

Retention and disposal: After the report is reviewed by the Board and has served its intended purpose, it is retained for five years and then destroyed unless otherwise directed.

System manager(s) and address: Director for Internal Audit and Investigation, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

Record access procedures: Upon request the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Individual on whom the record is maintained; supervisors; files maintained by the Director of Personnel; NCUA; and Office of Personnel Management.

NCUA-23

System name: Consumer Complaints Against Federal Credit Unions, NCUA.

System location: (1) Office of Consumer Affairs, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456. (2) Related information may be maintained in credit union files in NCUA's six regional offices (see Appendix B for Regional Office locations).

Categories of individuals covered by the system: Persons who submit complaints concerning operating Federal credit unions.

Categories of records in the system: Complaint letters, Investigation reports, and related correspondence concerning complainant and FCU.

Authority for maintenance of the system: 12 U.S.C. §§ 1766(i)(1) and 1789(a)(7); 5 U.S.C. § 301; 15 U.S.C. §§ 1601-1693.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information maybe disclosed to officials of Federal credit union and other persons mentioned in a complaint or identified during an investigation. (2) Disclosures may be made to the Federal Reserve Board, other Federal financial regulatory agencies, the Federal Financial Institutions Examination Council, the White House Office of Consumer Affairs, and the Congress or any of its authorized committees in fulfilling reporting requirements or assessing implementation of applicable laws and regulations. (Such disclosures will be made in a nonidentifiable manner when feasible and appropriate.) (3) Referrals may also be made to other Federal and nonfederal supervisory or regulatory authorities when the subject matter of a complaint or inquiry is more properly within such agency's jurisdiction. (4) Standard routine uses as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on paper or computer tape.

Retrievability: Records are retrievable from files by Federal credit union name and from the *Complaint Handling Information Program,* (CHIP), by complainant name or assigned control number.

Safeguards: Records are maintained in secured offices in either a file cabinet or in the computer.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director, Office of Consumer Affairs, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is not a record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining acess to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Complainant (his or her representative, which may include, e.g., a member of Congress or an attorney); Federal credit union officials; employees and members of the credit union involved; NCUA examiners and central files on Federal credit unions.

NCUA-24

System name: Litigation Case Files, NCUA.

System location: Office of the General Counsel, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Categories of individuals covered by the system: Records are maintained in files by the case name of individuals who are: the subject of NCUA investigations made in contemplation of legal action; involved in civil litigation with NCUA; involved in administrative proceedings; involved in litigation of interest to NCUA; or pursuing tort claims.

Categories of records in the system: Records in case files include: investigative reports relating to possible felonies or violations of the Federal Credit Union Act; transcripts of testimony or affidavits; documents and other evidentiary matter; pleadings and other documents filed in court, orders filed or issued in civil, administrative or criminal proceedings; correspondence relating to investigatory or litigation matters; information provided by the individual under investigation or from a Federal Credit Union; and other memoranda gathered and prepared by staff in performance of their duties.

Authority for maintenance of the system: 12 U.S.C. §§ 1766, 1786, and 1789; 28 U.S.C. §§ 2671-2680.

Routine uses of records maintained in the system, including categories of users and purposes of such uses: (1) The staff of the Office of General Counsel may use such records to render legal advice concerning investigations or courses of legal action, to represent NCUA in all judicial and administrative proceedings in which NCUA or its Chairman, in an official capacity, is a party, or to intervene as an amicus curiae. (2) Standard routine uses set forth in Appendix A.

System manager(s) and address: General Counsel, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is not a record on the individual, the individual will be so advised.

Record access procedures: Upon request, the system manager will set forth the procedures for gaining access to available records.

Contesting record procedures: Requests to amend or correct a record should be directed to the system manager listed above.

Record source categories: Record source categories vary depending upon the legal issue but generally are obtained from the following: NCUA staff and internal agency memoranda; Federal employees and private parties involved in torts; contracts; Federal credit unions' files or officials general law texts and sources; law enforcement officers; witnesses and others; administrative and court pleadings, transcripts or judicial orders/decisions; evidence gathered in connection with the matter involved; and from individuals to whom the records relate.

Systems exempted from certain provisions of the Act: This system is subject to the specific exemption provided by 5 U.S.C. § 552a(k)(2), as the system of records is investigatory material compiled for law enforcement purposes.

APPENDIX A—Standard Routine Uses Applicable to NCUA Systems of Records

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from a system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention

of any employee, the issuance of a security clearance, the letting of a contact or the issuance of a license, grant or other benefit.

3. A record from a system of records may be disclosed as a "routine use" to a Federal agency, in response to its request, for a matter concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

4. A record from a system of records may be disclosed as a "routine use" to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. Further, a record from any system of records may be disclosed as a "routine use" to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

5. A record from a system of records may be disclosed as a "routine use"' to officers and employees of a Federal agency for purposes of audit.

6. A record from a system of records may be disclosed as a "routine use" to a Member of Congress or to a congressional staff member in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

7. A record from a system of records may be disclosed as a "routine use" to the officers and employees of the General Services Administration (GSA) in connection with administrative services provided to this agency under agreement with GSA.

APPENDIX B—List of Regional Offices (Addresses and States Covered by Each Region)

I. NCUA Region I Regional Office:
State Street South Building
Room 3E
1776 Heritage Drive
Boston, Massachusetts 02171
Phone: (617) 223-6807

States Covered: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Virgin Islands, Vermont.

II. NCUA Region II Regional Office:
Federal Building
228 Walnut St., Box 926
Harrisburg, Pennsylvania 17108
Phone: (717) 782-4595

States Covered: District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, West Virginia.

III. NCUA Region III Regional Office:
1365 Peachtree Street, Suite 500
Atlanta, Georgia 30309
Phone: (404) 881-3127

States Covered: Arkansas, Alabama, Republic of Panama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina.

IV. NCUA Region IV Regional Office:
New Federal Office Building, Room 704
234 N. Summit St.
Toledo, Ohio 43604
Phone: (419) 259-7510

States Covered: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, Wisconsin.

V. NCUA Region V Regional Office:
515 Congress Avenue, Suite 1400
Austin, Texas 78701
Phone: (512) 397-5131

States Covered: Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Texas, Utah, Wyoming.

VI. NCUA Region VI Regional Office:
Two Embarcadero Center, Suite 1830
San Francisco, California 94111
Phone: (415) 556-6277

States Covered: Alaska, California, Guam, Hawaii, Oregon, Washington.

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Federal Register

Monday
January 14, 1980

Part III

Environmental Protection Agency

Lead-Acid Battery Manufacture; Proposed Standards of Performance and Notice of Public Hearing

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1315-4]

Standards of Performance for New Stationary Sources; Lead-Acid Battery Manufacture

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The proposed standards of performance would limit atmospheric emissions of lead from new, modified, and reconstructed facilities at lead-acid battery plants. This source was listed August 21, 1979 (44 FR 49222) in accordance with section 111(b)(1)(A) of the Clean Air Act as contributing significantly to air pollution, which may reasonably be anticipated to endanger public health or welfare. The intended effect of this proposal is to require new, modified, and reconstructed lead-acid battery manufacturing facilities to control lead emissions within the specified limits, which can be achieved through the use of the best demonstrated system of continuous emission reduction. A new reference method for determining compliance with lead standards is also proposed.

DATES: *Comments*—Comments must be received on or before March 14, 1980. *Public Hearing*—The public hearing will be held on Wednesday, February 13, 1980 beginning at 9:30 a.m. *Request to Speak at Hearing*—Persons wishing to present oral testimony must contact EPA by February 7, 1980.

ADDRESSES: *Comments*—Comments should be submitted (in duplicate if possible) to the Central Docket Section (A-130), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, Attention: Docket No. OAQPS-79-1. *Public Hearing*—The public hearing will be held at EPA Environmental Research Center Auditorium, Rm B102, Research Triangle Park, N.C. 27711. Persons wishing to present oral testimony should notify Shirley Tabler, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541-5421. *Background Information Document*—The background information document for the proposed standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Specify "Lead-Acid Battery Manufacture, Background Information for Proposed Emission Standards" (EPA 450/3-79-028a). *Docket*—The docket, number OAQPS-79-1, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m. at EPA's Central Docket Section, Room 2903B, Waterside Mall, 401 M Street S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5271.

SUPPLEMENTARY INFORMATION:

Proposed Standards

The proposed standards would limit atmospheric lead emissions from new, modified, or reconstructed facilities at any lead-acid battery manufacturing plant which has a production capacity equal to or greater than 500 batteries per day (bpd). The facilities which would be affected by the standards, and the proposed emission limits for these facilities are listed below:

Facility:	*Lead emission limit*
Lead oxide production	5.0 mg/kg (0.010 lb/ton).
Grid casting	0.05 mg/m³ (0.2×10^{-4} gr/dscf).
Paste mixing	1.00 mg/m³ (4.4×10^{-4} gr/dscf).
Three-process	1.00 mg/m³ (4.4×10^{-4} gr/dscf).
Lead reclamation	2.00 mg/m³ (8.8×10^{-4} gr/dscf).
Other lead emitting operations.	1.00 mg/m³ (4.4×10^{-4} gr/dscf).

The emission limit for lead oxide manufacture is expressed in terms of lead emissions per kilogram of lead processed, while those for other facilities are expressed in terms of lead concentrations in exhaust air.

A standard of 0 percent opacity is proposed for emissions from any of these facilities. The proposed standards would also require continuous monitoring of the pressure drop across the control system for any affected facility, to help insure proper operation of the system. Performance tests would be required to determine compliance with the proposed standards. A new reference method, Method 12, would be used to measure the amount of lead in exhaust gases, and Method 9 would be used to measure opacity. Process monitoring would be required during all tests.

Summary of Environmental, Energy, and Economic Impacts

There are approximately 190 lead-acid battery manufacturing plants in the United States, of which about 100 have been estimated to have capacities greater than or equal to 500 batteries per day (bpd). These plants are scattered throughout the country and are generally located in urban areas near the market for their batteries. Projections of the growth rate of the lead-acid battery manufacturing industry range from 3 to 5 percent per year over the next 5 years. Most of the projected increase in manufacturing capacity is expected to take place by the expansion of large plants (producing over 2000 batteries per day).

New, modified, and reconstructed facilities coming on-line over the next 5 years will emit about 95 Mg (104 tons) of lead to the atmosphere in the fifth year, if their emissions are controlled only to the extent required by current State particulate regulations. At some existing plants, emissions are controlled to a greater extent than State particulate regulations require. This practice might be continued at new plants in the absence of the proposed standards of performance. The proposed standards would reduce potential lead emissions from facilities coming on-line during the next 5 years to about 2.8 Mg (3.1 tons) in the fifth year. This is approximately 97 percent lower than the emission level which would be allowed under State particulate regulations. The proposed standards would also result in decreased nonlead particulate emissions from new plants, since equipment installed for the purpose of controlling lead-bearing particulate emissions would also control nonlead-bearing particulate emissions.

The results of dispersion modeling calculations indicate that the ambient impact of lead emissions from a new plant complying with the proposed standards would be less than the national ambient air quality standard for lead of 1.5$\mu g/m^3$ (averaged over calendar quarter). This is an important consideration, since most lead-acid battery plants are located in urban areas. Results of EPA dispersion modeling calculations indicate that the ambient lead standard will not be met in the vicinities of plants controlling emissions only to the extent required by existing State regulations.

The impact of the proposed standards on the wastewater and solid waste emissions of a lead-acid battery plant would depend on the technique used by that plant to comply with the proposed standards. The best demonstrated system for reduction of lead emissions is the use of fabric filters. High energy impingement scrubbers could also be used, but would have higher energy requirements and operating costs than fabric filters. At plants using impingement scrubbing to control emissions, lead-bearing wastewater would be generated. This would be

treated along with other plant wastewater prior to being disposed from the plant. The fractional increase in the lead content of wastewater discharged from a plant using impingement scrubbing to control atmospheric lead emissions would be about 0.5 to 4.5 percent. At plants using fabric filtration to comply with the proposed standards, the captured pollutant would be reclaimed, and there would be no increase in wastewater or solid waste emissions due to the proposed standards.

The energy needed to operate control equipment required to meet the proposed standards at a new plant would be approximately 2 percent of the total energy needed to run the plant. The incremental energy demand resulting from the application of the proposed standards to the battery manufacturing facilities expected to come on-line over the next five years would be about 2.8 Gigawatt hours of electricity in the fifth year. Approximately 4.8 thousand barrels of oil would be required to generate this electricity.

The capital cost of the installed emission control equipment necessary to meet the proposed standards on all new facilities coming on-line nationwide during the first five years of the standards would be approximately $8.6 million. The total annualized cost of operating this equipment in the fifth year of the proposed standards would be about $4 million.

These costs and energy and environmental impacts are considered reasonable, and are not expected to prevent or hinder expansion of the lead-acid battery manufacturing industry. Economic analysis indicates that, for plants with capacities larger than or equal to 500 bpd, the costs attributable to the proposed standards could be passed on with little effect on sales. The average incremental cost associated with the proposed standard would be about 30¢ per battery. This is about 1.6 percent of the wholesale price of a battery.

Modification and Reconstruction of Existing Sources

In accordance with provisions applicable to all standards of performance, the proposed standards for the lead-acid battery manufacturing industry would apply to modified and reconstructed facilities, as well as to new facilities.

Under the modification provisions of 40 CFR 60.14, except in certain cases, an existing facility would be affected by the proposed standards if some physical or operational change is made to that facility which results in an increase in atmospheric lead emissions from that facility. Actions which would not be considered modifications, and thus would not cause an existing facility to become subject to the standards, regardless of any emission increase are:

1. Routine maintenance, repair, and replacement of components.
2. An increase in the production rate of a facility which is accomplished with an expenditure on the source containing the facility of less than 5.5 percent of the value of the facility. (This is the Internal Revenue Service annual asset guideline repair allowance for a facility at a lead-acid battery plant.)
3. An increase in the number of operating hours of a facility.
4. The use of an alternative raw material if the facility was designed to accommodate such material prior to this proposal.
5. The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Administrator determines to be less environmentally beneficial.
6. The relocation or change in ownership of an existing facility.

Under the reconstruction provisions applicable to all standards of performance (40 CFR 60.15), an existing facility might become subject to the standards if its components were replaced to such an extent that the fixed capital cost of the new components exceeded 50 percent of the fixed capital cost that would be required to construct a comparable new facility. The standards would not apply, however, if the Administrator determined that it would not be technologically or economically feasible to meet the standards. Such determinations would be made on a case-by-case basis.

Rationale for the Proposed Standards—Selection of Source and Pollutant for Control

The manufacture of lead-acid batteries begins with the casting of lead grids and the production of lead oxide powder. The lead oxide powder is mixed with water and sulfuric acid to form a stiff paste, which is then pressed onto the lead grids. The pasted grids (plates) are cured, stacked, and connected (burned) into groups that form the individual elements of a lead-acid battery. The battery plates are converted to active electrodes by the formation process. In this process, the battery elements are immersed in dilute sulfuric acid, and direct current is passed between the plates to form active electrodes. Formation can take place either in an open acid bath (dry formation), or after the battery elements have been assembled into battery cases (wet formation). At some plants, scrap lead is recycled in a lead reclamation process.

Most of the operations discussed above are independent of one another. For instance, most small plants do not have lead oxide production or lead reclamation facilities, and some large companies sell lead oxide. However, stacking and burning of battery plates and assembly of elements into battery cases are generally accomplished in a single operation, called the three-process operation.

Most lead-acid battery plants are located near residential or urban areas. These plants emit lead-bearing particulate matter to the atmosphere. Sources of atmospheric lead emissions at lead-acid battery plants include lead oxide production, grid casting, paste mixing, three-process operation, and lead reclamation facilities. A National Ambient Air Quality Standard has been established for lead. The health and welfare effects of lead are presented in the document, "Air Quality Criteria for Lead" (EPA-600/8-77-017). Based on the results of EPA emission tests and the current required level of control, it is estimated that emissions from lead-acid battery plants could result in ambient lead concentrations which exceed the National Ambient Air Quality Standard. These emissions may reasonably be anticipated to endanger public health or welfare. Therefore, standards are proposed for lead emissions from lead-acid battery plants. Standards are not proposed for nonlead particulate emissions because such emissions are slight when compared with particulate emissions from other sources. Also, control of lead emissions would result in the reduction of other particulate emissions as well.

In addition to lead-bearing particulate matter, plants using dry formation techniques emit sulfuric acid mist. This mist results from the entrainment of sulfuric acid in hydrogen bubbles which are generated during the formation process. Wet formation usually takes place in covered battery cases. Therefore, acid mist emissions from wet formation are small.

Sulfuric acid mist has been previously determined to be a health related pollutant for the purposes of section 111(d) of the Clean Air Act. Therefore, the Administrator considered proposing standards for the lead-acid battery manufacturing industry which would limit acid mist emissions from the dry formation process. The setting of standards requiring control of acid mist emissions from new, modified, and

reconstructed formation facilities would require States to limit acid mist emissions from existing plants as well, under section 111(d).

EPA tests on dry formation at one plant indicate that the uncontrolled sulfuric acid mist emission rate from this facility is low (1.1 kg/1000 batteries). Dispersion modeling studies based on this emission rate indicate that the maximum ambient impact of sulfuric acid mist emissions from the dry formation process at a plant as large as 6500 batteries per day would be less than 1 $\mu g/m^3$ on an annual basis. Therefore, standards for acid mist are not being proposed at this time.

In contrast, two literature sources indicate that the acid mist emission rate from dry formation may be much higher (up to 19 k/1000 batteries) than the rate measured by EPA. However, EPA is unable to determine the reliability of the data contained in these sources because neither the test methods used nor the process operating conditions during testing are known. Therefore, although these sources indicate that acid mist emissions from the formation process may be significant, they do not provide a sufficient basis for an acid mist standard for the formation process.

It is of concern to the Administrator that the decision not to regulate acid mist emissions from formation is based on the results of tests at only one plant. The public is specifically invited to submit comments with supporting data on the issue of acid mist control. Based on the information received, EPA may take action regarding control of acid mist emissions from the formation process.

Applicability

The proposed standards of performance would apply to new, modified, or reconstructed facilities at any lead-acid battery plant that has the capacity to produce 500 or more batteries in a day (24 hours). Plants with capacities less than 500 bpd are exempted from the proposed standards for several reasons. First, projections of the economic impact of standards on existing small plants (100 and 250 bpd) undergoing reconstruction or modification indicated that standards would have a severe negative impact on such plants. Also, although almost 50 percent of the lead-acid battery plants in the United States produce fewer than 500 bpd, these plants account for only about 2 percent of total lead-acid battery production. Finally, industry representatives do not forecast construction or expansion of small plants. In fact there has been a trend in recent years of small plants closing due to unprofitability. Increased demand for batteries in the future is expected to be accommodated by expansion of existing plants producing over 2000 bpd.

Selection of Affected Facilities

Lead emitting process operations selected as affected facilities are lead oxide production, grid casting, paste mixing, three-process operation, lead reclamation, and other lead emitting operations. These process operations often consist of several machines or production lines which perform the same function and which are located in the same area and ducted to the same control device. Therefore, for each of the process operations mentioned above, the affected facility is the entire operation. For example, at a plant with more than one three-process line, all of the lines together would be the affected facility.

Lead Oxide Manufacturing—In the lead-acid battery industry, lead oxide is produced either by the ball mill process, or by the Barton process. In the ball mill process, which is used more frequently, lead pigs or balls are tumbled in a mill, and the frictional heat generated by the tumbling action causes the formation of lead oxide. The lead oxide is removed from the mill by an air stream. In the Barton process, molten lead is atomized to form small droplets in an air stream. These droplets are then oxidized by the air around them.

Thus, in both the Barton process and the ball mill process, lead oxide product must be recovered from an air stream. In both processes, fabric filtration is used to accomplish this separation. It is estimated that lead emissions from a typical lead oxide manufacturing facility including product recovery are about 0.05 kg (o.116 lb) per 1,000 batteries, or about 10 g/Mg (0.02 lb/ton) of lead processed. Although these lead emissions are low, source tests have indicated that a well controlled lead oxide manufacturing facility would emit only about half as much lead as one designed only for economical recovery of lead oxide. Therefore, the lead oxide production process is designated an affected facility.

Grid Casting—Although lead emissions from grid casting are generally low, most grid casting work areas would be ventilated to comply with the in-plant OSHA lead concentration stanard of 50 $\mu g/m^3$. EPA tests detected an uncontrolled lead emission rate of 0.4 kg (0.9 lb) per 1,000 batteries (4.37 mg/m^3 or 19.1×10^{-4} gr/dscf of exhaust air), which was about 3.2 percent of the overall plant uncontrolled lead emission rate. Therefore, grid casting is designated an affected facility. The grid casting facility is defined to include both the grid casting machines, and the lead melting pots associated with these machines.

Paste Mixing—Paste mixing is generally a batch operation consisting of two phases: a charging phase, in which lead oxide is fed to the paste mixer, and a mixing phase, in which the lead oxide is mixed with water and sulfuric acid. Most emissions from paste mixing occur during the charging phase. However, lead emissions are also ducted from the paste mixer during the mixing phase. Uncontrolled lead emissions from paste mixing have been determined to be approximately 5.1 kg (11.2 lb) per 1,000 batteries (77.4 mg/m^3 or 338×10^{-4} gr/dscf of exhaust). This is about 40 percent of the total estimated uncontrolled lead emission rate for a lead-acid battery plant. The paste mixing facility is, therefore, selected as an affected facility.

Three-process Operation—The Three-process operation facility is defined to include all processes involved with plate stacking, burning, and assembly of elements into battery cases. Average uncontrolled lead emissions from three-process operations tested by EPA were 6.7 kg (14.7 lb) per 1,000 batteries (26 mg/m^3 or 115×10^{-4} gr/dscf of exhaust air). This is over 50 percent of the estimated lead emissions from a lead-acid battery plant. Therfore, the three-process operation is designated an affected facility.

Lead Reclamation—Lead reclamation is often a sporadic operation, on stream only when large quantities of defective small parts, grids, and plates are available. EPA measured lead emissions from this process to be 0.35 kg (0.77 lb) per 1000 batteries, 3.0 kg/Mg (5.9 lb/ton) of lead charged, or 227 mg/m^3 (990×10^{-4} gr/dscf) of exhaust air. Lead emissions can be very high during operation. For example, a 4000-bpd plant at which the lead reclamation facility is run for an 8-hour shift every 2 weeks would emit approximately 1.7 kg/hr (3.8 lb/hr) during operation. This is comparable with the lead emission rate from the three-process operation at the same plant. Therefore, the Administrator designates lead reclamation as an affected facility. Reverberatory furnances which are used for lead reclamation but which are affected by standards of performance for secondary lead smelters (40 CFR 60.120), would not be affected under the proposed standards.

Other Lead-Emitting Operations—Any lead-acid battery plant facility from which lead emissions are collected and ducted to the atmosphere but which is not considered part of the lead oxide

production, grid casting, paste mixing, three-process operation, or lead reclamation facilities is considered an "other lead emitting operation." An example is slitting, a process whereby lead grids, cast in doublets, are slit (with an enclosed saw) into separate plates. The Administrator has selected other lead emitting operations as affected facilities to ensure the control of lead emissions from these processes.

Selection of the Best System of Emissions Reduction Considering Costs

Section 111 of the Clean Air Act requires that standards of performance reflect the degree of emission control achievable through application of the best demonstrated technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impact, and energy requirements) has been adequately demonstrated. The proposed standards were developed based on information derived from (1) available technical literature on the lead-acid battery manufacturing industry and applicable emission control technology, (2) technical studies performed for EPA by independent research organizations, (3) information obtained from the industry during visits to lead battery plants and meetings with various representatives of the industry, (4) comments and suggestions solicited from experts, and (5) results of emission measurements conducted by EPA.

Techniques currently used to control atmospheric lead emissions from facilities at lead-acid battery plants include fabric filtration and impingement scrubbing of exhaust gases. Low energy scubbers are currently used to control emissions entrained in hot gases, or in gases containing moisture or possible spark hazards. Fabric filters can be used to control all atmospheric lead emissions from lead-acid battery manufacturing, provided that proper maintenance procedures are followed and that necessary precautions are taken to prevent condensation or sparks when necessary. They are commonly used in other industries to control emissions from sources having similar moisure problems and spark problems.

Several emission control alternatives were studied in the development of the proposed standards. One of these alternatives consists of fabric filter control for all affected facilities. The others consist of fabric filter control for some affected facilities and low energy impingement scrubber control for other affected facilities. The alternative which would achieve the best degree of emission control is fabric filter control of atmospheric lead emissions from all affected facilities. The other alternatives make use of low energy scrubbers to varying extents, and represent varying degrees of emission reduction. Economic analysis has shown that, for plants with capacities greater than or equal to 500 batteries per day, none of the control alternatives which were studied would impose an unreasonable cost. Also, the cost of any alternative is not viewed as being detrimental to industry expansion.

The proposed standards are based on the control of all lead emissions from lead-acid battery plants by fabric filtration. This basis was chosen because fabric filters can achieve a better degree of emission reduction than low energy scrubbers at a reasonable cost.

The use of control techniques other than fabric filtration would not be precluded by the proposed standards. High energy impingement scrubbers could be used to meet the emission limits. However, these would have higher operating costs and energy requirements than fabric filters. Scrubbers would also generate lead contaminated water, which would probably require treatment prior to disposal.

Selection of the Format for the Proposed Standard

In general, lead-acid battery manufacturing facilities may be considered independent of one another in that there is no continuous flow of materials. Lead oxide production operations, grid casting operations, paste mixing operations, lead reclamation operations, and three-process operations are independent. Also, not all plants have lead reclamation and lead oxide production operations, and some plants sell lead oxide.

Because of the independent nature of the facilities, two different forms were chosen for the proposed standards. The format of the proposed standards applicable to grid casting, paste mixing, three-process operation, lead reclamation, and other lead-emitting operations, is a concentration standard. The format of the standard for lead oxide manufacturing is mass per unit of lead input.

A concentration standard is proposed for three-process facilities because emissions from these facilities depend more on number of plates processed and the method of burning than on the weight of material processed. Since emissions from grid casting, paste mixing, and lead reclamation are often controlled by the control device which controls three-process operation emissions, concentration standards are also proposed for these facilities. A mass per unit lead input standard is proposed for lead oxide production facilities because these facilities generally have different emission control devices from three-process operation facilities and because emissions from lead oxide production are generally proportional to lead input.

Selection of Emission Limits

The proposed limits for lead emissions from lead oxide production, grid casting, paste mixing, three-process operation, lead reclamation, and other lead emitting facilities are based on emissions levels attainable using fabric filtration. In the development of background data for the proposed standards, atmospheric lead emissions from facilities at four lead-acid battery plants were measured using the proposed Method 12. In a previous study, lead emissions from facilities at two lead-acid battery manufacturing plants and one lead oxide manufacturing plant were measured using a similar test method.

The emission limits for three-process operation facilities, lead oxide production facilities, and other lead emitting facilities are based on lead levels measured in exhausts from fabric filters controlling emissions from such facilities. Fabric filters are not currently used in the lead-acid battery industry to control emissions from grid casting or lead reclamation and are not generally used to control emissions from the mixing phase of paste mixing. The emission limits for grid casting, paste mixing, and lead reclamation are, therefore, based on lead levels found in uncontrolled emissions from such facilities, and on the demonstrated emission reduction capabilities of fabric filters.

Tests of controlled and uncontrolled emissions from three-process facilities controlled by fabric filters indicated fabric filter lead collection efficiencies of about 99 percent. This control efficiency is consistent with efficiencies achieved by well maintained fabric filters in other applications. Because particulate emissions from all lead emitting facilities at battery plants are similar in composition and particle size, the Administrator has determined that comparable collection efficiencies can be achieved for emissions from grid casting, paste mixing, and lead reclamation.

Lead Oxide Manufacturing—The proposed standard for lead oxide production is 5 milligrams of lead per kilogram of lead processed (10 lb/ton).

This limit is based on results of tests of emissions from a ball mill lead oxide production facility with a fabric filter control system. The tests showed an average controlled emission rate of 4.2 mg/Kg (8.4 lb/ton) for this facility. EPA has not conducted tests of emissions from a well controlled Barton process. However, in both the ball mill process and the Barton process, lead oxide product must be removed from an air stream. Also, EPA tests on a Barton process indicated that Barton and ball mill processes have similar air flow rates per unit production rate. Therefore, it has been determined that a similar level of emission control could be achieved for a Barton process as has been demonstrated for the ball mill process.

Grid Casting—Impingement scrubbing, rather than fabric filtration, is currently used in the lead-acid battery manufacturing industry to control emissions from grid casting. Emissions from grid casting facilities were measured at two plants. At one of these plants, grid casting emissions were controlled by an impingement scrubber. At the other, grid casting emissions were not controlled. The average lead concentration in exhaust from the uncontrolled facility was 4.37 mg/m^3 (19.1×10^{-4} gr/dscf). Average uncontrolled and controlled lead emissions from the scrubber controlled facility were 2.65 mg/m^3 (11.6×10^{-4} gr/dscf) and 0.32 mg/m^3 (1.4×10^{-4} gr/dscf), respectively. Thus the lead collection efficiency of the scrubber was about 90 percent.

Fabric filtration can be used to control these emissions if spark arresters are used and the exhaust gas is kept above the dew point. The lead standard for grid casting, 0.05 mg/m^3 (0.2×10^{-4} gr/dscf), is based on the exhaust concentration achievable using a fabric filter with about 99 percent collection efficiency to control emissions.

Paste Mixing—Lead emissions from a paste mixing facility equipped with an impingement scrubber were measured. Average uncontrolled and controlled lead concentrations from this facility were 77.4 mg/m^3 (338×10^{-4} gr/dscf) and 10.8 mg/m^3 (47.0×10^{-4} gr/dscf), respectively.

Fabric filtration is not generally used to control emissions from the entire paste mixing cycle because of the high moisture content of paste mixer exhaust during the mixing cycle. However, fabric filtration can be used to control emissions from the entire cycle if the exhaust gas is kept above the dew point. The proposed lead emission standard for paste mixing, 1 mg/m^3 (4.4×10^{-4} gr/dscf), is based on the level achievable using a fabric filter with about 99 percent collection efficiency for the entire cycle.

In developing data for the proposed standards, EPA conducted tests at a plant where paste mixing emissions were controlled by two separate systems. At this plant, paste mixing required a total of 21 to 24 minutes per batch. During the first 14 to 16 minutes of a cycle (the charging phase), exhaust from the paste mixer was ducted to a fabric filter which also controlled emissions from the grid slitting (separating) operation. During the remainder of the cycle (mixing), paste mixer exhaust was ducted to an impingement scrubber which also controlled emissions from the grid casting operation. Uncontrolled or controlled emissions for the paste mixer alone were not tested. The average concentration of lead in emissions from the fabric filtration system used to control charging emissions was 1.3 mg/m^3 (5.5×10^{-4} gr/dscf). The average lead content of exhaust from the scrubber used to control mixing emissions was 0.25 mg/m^3 (1.1×10^{-4} gr/dscf). The average lead concentration in controlled emissions from this facility was about 0.95 mg/m^3 (4.2×10^{-4} gr/dscf) which is slightly below the proposed emission limit of 1 mg/m^3 (4.4×10^{-4} gr/dscf). A lower average emission concentration could be achieved by using fabric filtration to control emissions from all phases of paste mixing.

Three-Process Operation—The proposed lead concentration limit for three-process operation emissions is 1 mg/m^3 (4.4×10^{-4} gr/dscf). This limit is based on the results of EPA tests conducted at four plants where fabric filtration was used to control three-process operation emissions. All of these tests showed lead concentration below the proposed limit in controlled emissions from the three-process operation facilities.

Lead Reclamation—Lead emissions from a lead reclamation facility where emissions are controlled by an impingement scrubber were measured. The average lead concentrations in the inlet and outlet streams of the scrubber were 227 mg/m^3 (990×10^{-4} gr/dscf) and 3.7 mg/m^3 (16×10^{-4} gr/dscf), respectively. The collection efficiency of the scrubber was, therefore, about 98 percent.

Fabric filtration is not currently used to control emissions from lead reclamation facilities because of the high temperature of lead reclamation exhaust. However, fabric filters have been applied to hot exhaust systems at secondary lead smelters and in other industries. Therefore, the proposed standard for lead reclamation facilities of 2 mg/m^3 (8.8×10^{-4} gr/dscf), is based on the emission level attainable using a fabric filter with a collection efficiency of about 99 percent.

Other Lead Emitting Operations—Emissions from other lead emitting operations are generally collected and ducted to minimize worker exposure. These emissions are similar in composition and concentration to emissions from non-automated three-process operations. The proposed standard for other lead emitting operations is 1 mg/m^3 (4.4×10^{-4} gr/dscf) because lead emissions from those operations can be controlled to the same extent as lead emissions three-process operation facilities.

EPA measured emissions from a slitting facility, which would be classified as an "other lead emitting operation," controlled by a fabric filter. The controlled emissions from the facility had an average lead content of 0.938 mg/m^3 (4.1×10^{-4} gr/dscf), which is below the proposed concentration limit for other lead emitting operations.

Opacity Standards

A standard of 0 percent opacity is proposed for emissions from all affected facilities. Grid casting, paste mixing, three-process operation, and lead oxide manufacturing facilities were observed by EPA to have emissions with 0 percent opacity during observation periods of 7 hours and 16 minutes, 1 hour and 30 minutes, 3 hours and 51 minutes, and 3 hours and 19 minutes, respectively. Emissions ranging from 5 to 20 percent opacity were observed for a total of 11 minutes and 15 seconds during 3 hours and 22 minutes of observation at the lead reclamation operation source tested by EPA, which was controlled by a low-energy scrubber. However, the proposed standard is based on control of this process by a fabric filter, similar to three-process operations and paste mixers for which emissions with 0 percent opacity have been observed. A standard of 0 percent opacity is, therefore, also proposed for emissions from lead reclamation furnaces.

Under the proposed standards, opacity would be determined by taking the average opacity over a 6-minute period using EPA Test Method 9, and rounding the average to the nearest whole percentage. The rounding procedure is specified in the proposed standards in order to allow occasional brief emissions with opacities greater than 0 percent. When a fabric filter is used to control emissions, the outlet concentration from the filter may increase immediately after a component filter bag is cleaned. In the case of a

lead-acid battery plant, filter cleaning may result in occasional emissions with opacities greater than 0 percent. If the rounding off procedure were not specified, any reading of greater than 0 percent opacity during a 6-minute period could be considered as indicative of a violation of the proposed 0 percent opacity standard. However, the Administrator does not intend for occasional emissions greater than 0 percent opacity occurring during filter cleaning to be considered violations of the proposed standards. Therefore, the standards would specify that the average opacity be rounded to the nearest whole percentage. With this specification, 6-minute average opacities less than 0.5 percent would not be considered violations of the proposed standards. Emissions which result in 6-minute average opacities of 0.5 percent or greater are expected to be indicative of fabric filter malfunctions rather than filter cleaning emissions.

Testing and Recordkeeping

Performance tests would be required to determine compliance with the proposed standards. A new Reference Method 12 would be used to measure lead emissions. In addition, the following methods would be used to determine the necessary emission data: Method 1 for sample and velocity traverses, Method 2 for velocity and volumetric flow rate, Method 4 for stack gas moisture and Method 9 for stack opacity.

A measurement of the mass rate of feed would also be required during performance tests for lead oxide manufacturing because the units of the standards for this facility are milligrams of lead per kilogram of lead feed. Lead ingots of constant weight can be counted as they are fed to the lead oxide manufacturing process. The mass rate of feed measurements must be accurate within ±5 percent.

To determine compliance when two or more facilities at the same plant are ducted to a common control device, the exhaust rate from each source and the controlled lead concentrations must be measured. An equivalent standard for the applicable facilities is calculated by multiplying each applicable standard by the fractional exhaust flow rate of that facility and adding the numbers. This equivalent standard can then be compared with the measured concentration to determine compliance.

The proposed standards would require continuous monitoring of the pressure drop across the fabric filter or scrubber as applicable. A decrease in pressure drop of about 50 percent could indicate a decrease in lead removal efficiency because of either a fabric filter bag failure or a decrease in liquid-to-gas ratio.

EPA Reference Method 12 was developed to determine inorganic lead emissions from stationary sources. Particulate and gaseous lead emissions are withdrawn isokinetically from the source. The collected samples are then digested in acid solution and analyzed by atomic absorption spectrometry using an air acetylene flame. For a minimum analysis accuracy of ±10 percent, a minimum lead mass of 10μg should be collected. The typical sensitivities for a 1 percent change in absorption (0.0044 absorbance units) are 0.2 and 0.5 μg Pb/ml for the 217.0 and 283.3 nm lines, respectively.

The laboratory precision for Method 12, as measured by the coefficient of variation, was determined at a gray iron foundry, a lead battery manufacturing plant, a secondary lead smelter, and a lead recovery furnace at an alkyl lead manufacturing plant. The concentrations encountered during these tests ranged from 0.61 to 123.3 $\mu g/Pb/m^3$. The coefficient of variation for each run, which is the standard deviation of the run expressed as a percentage of the run mean concentration, ranged from 0.2 to 9.5 percent.

High copper concentrations may interfere with the analysis of lead at 217.0 nm. This interference can be avoided by analyzing the samples for lead using the 283.3 nm lead line. This problem should not occur, however, when analyzing samples from lead-acid battery facilities.

Records of performance tests and continuous monitoring system measurements would have to be retained for at least 2 years following the date of the measurements by owners and operators subject to this subpart. This requirement is included under § 60.7(d) of the general provisions of Part 60.

Public Hearing

A public hearing will be held to discuss these proposed standards in accordance with Section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the ADDRESSES Section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section (A-130), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: Docket No. OAQPS-79-1.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section, Room 2903B, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

Docket

The docket, containing all supporting information used by EPA to date, is available for inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, room 2903B, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of the rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development.

The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. On judicial review, the record will consist of all materials in the docket except for certain interagency review materials (section 307(d)(7)(A) of the Act).

Miscellaneous

In accordance with section 117 of the Act, publication of these proposed standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. The Administrator will welcome comments on all aspects of the proposed regulation, including economic and technological issues, and on the proposed test method.

It should be noted that standards of performance for new sources established under section 111 of the Clean Air Act reflect:

> * * * application of the best adequately demonstrated technological system of continuous emission reduction which [taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impact, and energy requirements] the Administrator determines has been adequately demonstrated [section 111(a)(1)].

Although there may be emission control technology available that can reduce emissions below those levels required to comply with standards of performance, this technology might not be selected as the basis of standards of performance because of costs associated with its use. Accordingly, standards of performance should not be

viewed as the ultimate in achievable emission control. In fact, the Act requires (or has the potential for requiring) the imposition of a more stringent emission standard in several situations.

For example, applicable costs do not necessarily play as prominent a role in determining the "lowest achievable emissions rate" for new or modified sources located in nonattainment areas, i.e., those areas where statutorily mandated health and welfare standards are being violated.

In this respect, section 173 of the Act requires that a new or modified source constructed in an area that exceeds the National Ambient Air Quality Standards (NAAQS) must reduce emissions to the level which reflects the "lowest achievable emission rate" (LAER), as defined in section 171(3), for such category of source. The statute defines LAER as that rate of emissions based on the following, whichever is more stringent:

(A) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(B) the most stringent emission limitation which is achieved in practice by such class or category of source.

In no event can the emission rate exceed any applicable new source performance standard [section 171(3)].

A similar situation may arise under the prevention of significant deterioration of air quality provisions of the Act (Part C). These provisions require that certain sources [referred to in section 169(1)] employ "best available control technology" [as defined in section 169(3)] for all pollutants regulated under the Act. Best available control technology (BACT) must be determined on a case-by-case basis, taking energy, environmental and economic impacts, and other costs into account. In no event may the application of BACT result in emissions of any pollutants that will exceed the emissions allowed by any applicable standard established pursuant to section 111 (or 112) of the Act.

In all events, State Implementation Plans (SIP's) approved or promulgated under section 110 of the Act must provide for the attainment and maintenance of NAAQS designed to protect public health and welfare. For this purpose, SIP's must in some cases required greater emission reductions than those require by standards of performance of new sources.

Finally, States are free under section 116 of the Act to establish even more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQS under section 110. Accordingly, new sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

EPA will review this regulation 4 years from the date of promulgation. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, and improvements in emission control technology.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the Act. An economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to insure that the proposed standards would represent the best system of emission reduction considering costs. The economic impact assessment is included in the background information document.

Dated: December 19, 1979.

Douglas M. Costle,

Administrator.

It is proposed that 40 CFR Part 60 be amended by adding a new Subpart KK and by adding a new reference method to Appendix A as follows:

1. A new subpart KK is added as follows:

Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants

Sec.

Authority: Sec. 111, 301(a), Clean Air Act as amended [42 U.S.C. 7411, 7601(a)], and additional authority as noted below.

Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants

§ 60.370 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the affected facilities listed in paragraph (b) of this section at any lead-acid battery manufacturing plant that has the capacity to produce 500 or more batteries per day (24 hours).

(b) The provisions of this subpart are applicable to the following affected facilities used in the manufacture of lead-acid storage batteries:

(1) Grid casting facility
(2) Paste mixing facility
(3) Three-process operation facility
(4) Lead oxide manufacturing facility
(5) Lead reclamation facility
(6) Other lead-emitting operations

§ 60.371 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in Subpart A of this part.

(a) "Grid casting facility" means the facility which includes both lead melting pots and machines used for casting the grids used in battery manufacturing.

(b) "Lead-acid battery manufacturing plant" means any plant that produces a storage battery using lead and lead compounds for the plates and sulfuric acid for the electrolyte.

(c) "Lead oxide manufacturing facility" means the facility that produces lead oxide from lead, including product recovery.

(d) "Lead reclamation facility" means the facility that remelts lead scrap and casts it into lead ingots for use in the battery manufacturing process, and which is not a furnace affected under Subpart L of this part.

(e) "Other lead-emitting operation" means any lead-acid battery manufacturing plant operation from which lead emissions are collected and ducted to the atmosphere and which is not part of a grid casting, lead oxide manufacturing, lead reclamation, paste mixing, or three-process operation facility, or a furnace affected under Subpart L of this part.

(f) "Paste mixing facility" means the facility including charging and blending of the ingredients to produce a lead oxide paste.

(g) "Three-process operation facility" means the facility including those processes involved with plate stacking, burning or strap casting, and assembly of elements into the battery case.

§ 60.372 Standards for lead.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere:

(1) From any grid casting facility any gases that contain lead in excess of 0.05 milligram of lead per dry standard cubic meter of exhaust (0.00002 gr/dscf).

(2) From any paste mixing facility any gases that contain in excess of 1.00 milligram of lead per dry standard cubic meter of exhaust (0.00044 gr/dscf).

(3) From any three-process operation facility any gases that contain in excess of 1.00 milligram of lead per dry standard cubic meter of exhaust (0.00044 gr/dscf).

(4) From any lead oxide manufacturing facility any gases that contain in excess of 5.0 milligrams of lead per kilogram of lead feed (0.010 lb/ton).

(5) From any lead reclamation facility any gases that contain in excess of 2.00 milligrams of lead per dry standard cubic meter of exhaust (0.00088 gr/dscf).

(6) From any other lead-emitting operation any gases that contain in excess of 1.00 milligram per dry standard cubic meter of exhaust (0.00044 gr/dscf).

(7) From any affected facility any gases with greater than 0 percent opacity (measured according to Method 9 and rounded to the nearest whole percentage).

(b) When two or more facilities at the same plant (except the lead oxide manufacturing facility) are ducted to a common control device, and equivalent standard for the total exhaust from the commonly controlled facilities shall be determined as follows:

$$S_e = \sum_{a=1}^{N} S_a(Q_{sd_a}/Q_{sd_T})$$

Where:

S_e is the equivalent standard for the total exhaust stream.

S_a is the actual standard for each exhaust stream ducted to the control device.

N is the total number of exhaust streams ducted to the control device.

Q_{sd_a} is the dry standard volumetric flow rate of the effluent gas stream from each facility ducted to the control device.

Q_{sd_T} is the total dry standard volumetric flow rate of all effluent gas streams ducted to the control device.

§ 60.373 Monitoring of emissions and operations.

The owner or operator of any lead-acid battery manufacturing plant subject to the provisions of this subpart shall install, calibrate, maintain, and operate a monitoring device(s) that continuously measures and premanently records the total pressure drop across the process emissions control system. The monitoring device shall have an accuracy of ±5 percent over its operating range.

(Section 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.374 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance according to § 60.8 as follows:

(1) Method 12 for the measurement of lead concentrations,

(2) Method 1 for sample and velocity traverses,

(3) Method 2 for velocity and volumetric flow rate,

(4) Method 4 for stack gas moisture, and

(b) For Method 12, the sampling time for each run shall be at least 60 minutes except as provided for in paragraph (c), and the sampling rate shall be at least 0.85 dscm/h (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) For grid casting, the sampling time for each Method 12 run shall be at least 180 minutes with a sampling rate of at least 0.85 dscm/h (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator.

(d) When different operations in a three-process operation facility are ducted to separate control devices, the lead emission concentration from the facility shall be determined using the equation:

$$C_{Pb_T} = \sum_{a=1}^{N} C_{Pb_a}(Q_{sd_a}/Q_{sd_T})$$

Where:

C_{Pb_T} is the lead emission concentration for the entire facility.

N is the number of control devices to which separate operations in the facility are ducted.

C_{Pb_a} is the emission concentration from each control device.

Q_{sd_a} is the dry standard volumetric flow rate of the effluent gas stream from each control device.

Q_{sd_T} is the total dry standard volumetric flow rate from all of the control devices.

(e) For lead oxide manufacturing facilities, the average lead feed rate to a facility, expressed in kilograms per hour, shall be determined for each test run as follows:

(1) Calculate the total amount of lead charged to the facility during the run by multiplying the number of lead pigs (ingots) charged during the run by the average mass of a pig in kilograms or by another suitable method.

(2) Divide the total amount of lead charged to the facility during the run by the duration of the run in hours.

(f) Lead emissions from lead oxide manufacturing facilities, expressed in milligrams per kilogram of lead charged, shall be determined using the following equation:

$$E_{Pb} = C_{Pb}Q_{sd}/F$$

Where:

E_{Pb} is the lead emission rate from the facility in milligrams per kilogram of lead charged.

C_{Pb} is the concentration of lead in the exhaust stream in milligrams per dry standard cubic meter as determined according to paragraph (a)(1) of this section.

Q_{sd} is the dry standard volumetric flow rate in dry standard cubic meters per hour as determined according to paragraph (a)(3) of this section.

F is the lead feed rate to the facility in kilograms per hours as determined according to paragraph (e) of this section.

(Section 114 of the Clean Air Act as amended (42 U.S.C. 7414))

2. Appendix A to Part 60 is amended by adding new Reference Method 12 as follows:

Appendix A—Reference Methods

* * * * *

Method 12. Determination of Inorganic Lead Emissions from Stationary Sources

1. Applicability and Principle

1.1 *Applicability.* This method applies to the determination of inorganic lead (Pb) emissions from specified stationary sources only.

1.2 *Principle.* Particulate and gaseous Pb emissions are withdrawn isokinetically from the source and collected on a filter and in dilute nitric acid. The collected samples are digested in acid solution and analyzed by atomic absorption spectrometry using an air acetylene flame.

2. Range, Sensitivity, Precision, and Interferences

2.1 *Range.* For a minimum analytical accuracy of ±10 percent, the lower limit of the range is 100 μg. The upper limit can be considerably extended by dilution.

2.2 *Analytical Sensitivity.* Typical sensitivities for a 1-percent change in absorption (0.0044 absorbance units) are 0.2 and 0.5 μg Pb/ml for the 217.0 and 283.3 nm lines, respectively.

2.3 *Precision.* The within-laboratory precision, as measured by the coefficient of variation ranges from 0.2 to 9.5 percent relative to a run-mean concentration. These values were based on tests conducted at a gray iron foundry, a lead storage battery manufacturing plant, a secondary lead smelter, and a lead recovery furnace of an alkyl lead manufacturing plant. The concentrations encountered during these tests ranged from 0.61 to 123.3 mg Pb/m³.

2.4 *Interferences.* Sample matrix effects may interfere with the analysis for Pb by flame atomic absorption. If this interference is suspected, the analyst may confirm the presence of these matrix effects and frequently eliminate the interference by using the Method of Standard Additions.

High concentrations of copper may interfere with the analysis of Pb at 217.0 nm. This interference can be avoided by analyzing the samples at 283.3 nm.

3. Apparatus

3.1 *Sampling Train.* A schematic of the sampling train is shown in Figure 12–1; it is similar to the Method 5 train. The sampling train consists of the following components:

3.1.1 *Probe Nozzle, Probe Liner, Pitot Tube, Differential Pressure Gauge, Filter Holder, Filter Heating System, Metering System, Barometer, and Gas Density Determination Equipment.* Same as Method 5, Sections 2.1.1 to 2.1.6 and 2.1.8 to 2.1.10, respectively.

3.1.2 *Impingers.* Four impingers connected in series with leak-free ground glass fittings or any similar leak-free noncontaminating fittings. For the first, third, and fourth impingers, use the Greenburg-Smith design, modified by replacing the tip with a 1.3 cm (½ in.) ID glass tube extending to about 1.3 cm (½ in.) from the bottom of the flask. For the second impinger, use the Greenburg-Smith design with the standard tip. Place a thermometer, capable of measuring temperature to within 1°C (2°F) at the outlet of the fourth impinger for monitoring purposes.

BILLING CODE 6560-01-M

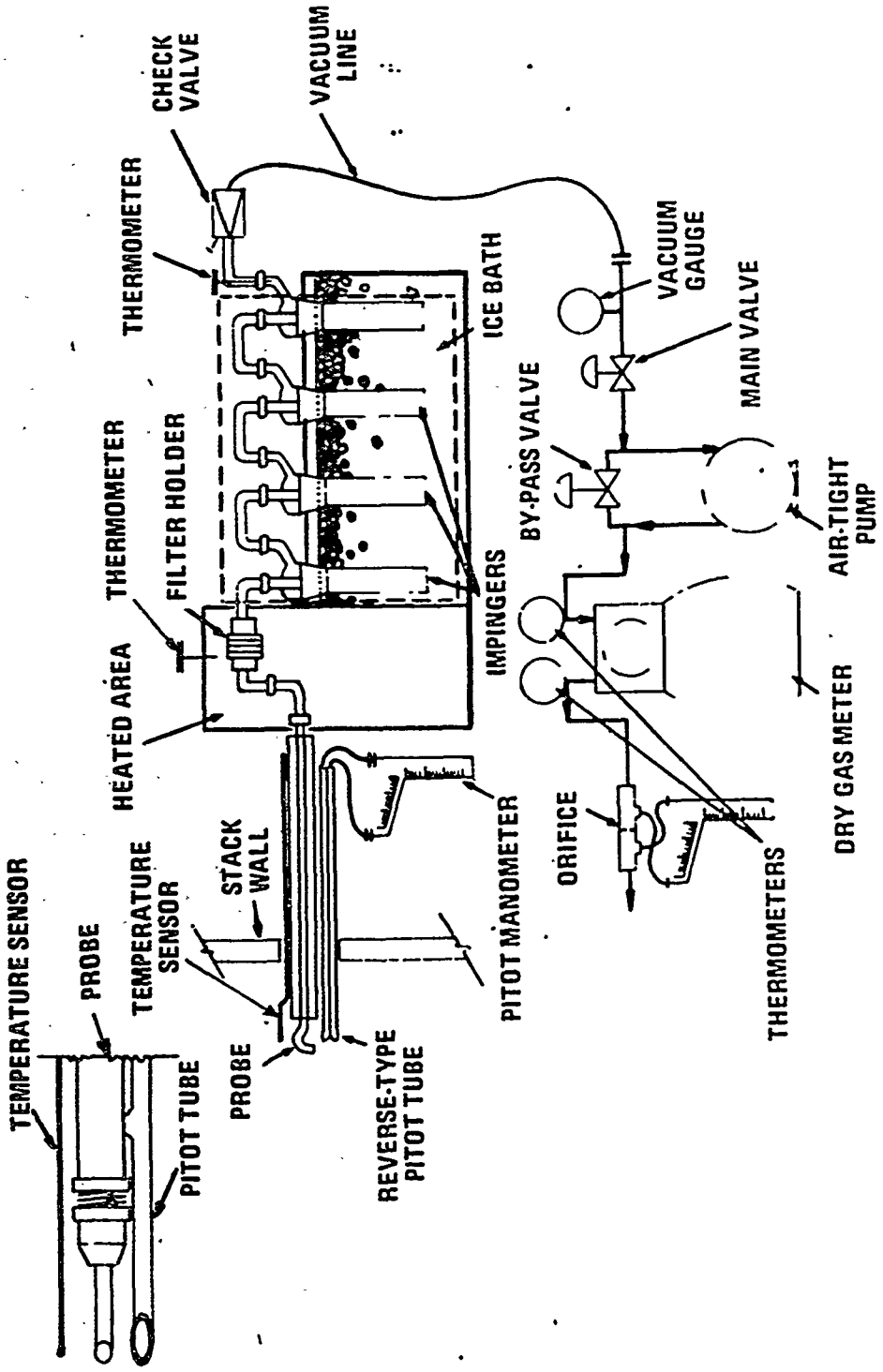

Figure 12-1. Inorganic lead sampling train.

BILLING CODE 6560-01-C

3.2 *Sample Recovery.* The following items are needed:

3.2.1 *Probe-Liner and Probe-Nozzle Brushes, Petri Dishes, Plastic Storage Containers, and Funnel and Rubber Policeman.* Same as Method 5, Sections 2.2.1, 2.2.4, 2.2.6, and 2.2.7, respectively.

3.2.2 *Wash Bottles.* Glass (2).

3.2.3 *Sample Storage Container.* Chemically resistant, borosilicate glass bottles, for 0.1 N nitric acid (HNO_3) impinger and probe solutions and washes, 1000-ml. Use screw-cap liners that are either rubber-backed Teflon [1] or leak-free and resistant to chemical attack by 0.1 N HNO_3. (Narrow mouth glass bottles have been found to be less prone to leakage.)

3.2.4 *Graduated Cylinder and/or Balance.* To measure condensed water to within 2 ml or 1 g. Use a graduated cylinder that has a minimum capacity of 500 ml, and subdivisions no greater than 5 ml. (Most laboratory balances are capable of weighing to the nearest 0.5 g or less.)

3.2.5 *Funnel.* Glass, to aid in sample recovery.

3.3 Analysis, The following equipment is needed:

3.3.1 *Atomic Absorption Spectrophotometer.* With lead hollow cathode lamp and burner for air/acetylene flame.

3.3.2 Hot Plate.

3.3.3 *Erlenmeyer Flasks.* 1 25-ml, 24/40 $.

3.3.4 *Membrane Filters.* Millipore SCWPO 4700 or equivalent.

3.3.5 *Filtration Apparatus.* Millipore vacuum filtration unit, or equivalent, for use with the above membrane filter.

3.3.6 *Vomumetric Flasks.* 100-ml, 250-ml, and 1000-ml.

4. *Reagents*

4.1 Sampling. The reagents used in sampling are as follows:

4.1.1 Filter. Gelman Spectro Grade, Reeve Angel 934 AH, MSA 1106 BH, all with lot assay for Pb, or other high-purity glass fiber filters, without organic binder, exhibiting at least 99.95 percent efficiency (<0.05 percent penetration) on 0.3 micron dioctyl phthalate smoke particles. Conduct the filter efficiency test using ASTM Standard Method D 2986–71 or use test data from the supplier's quality control program.

4.1.2 *Silica Gel, Crushed Ice, and Stopcock Grease.* Same as Method 5, Section 3.1.2, 3.1.4, and 3.1.5, respectively.

4.1.3 *Water.* Deionized distilled, to conform to ASTM Specification D 1193–74, Type 3. If high concentrations of organic matter are not expected to be present, the analyst may delete the potassium permanganate test for oxidizable organic matter.

4.1.4 *Nitric Acid, 0.1 N. Dilute 6.5 ml of concentrated HNO_3 to liter 1 with deionized distilled water.* (It may be desirable to run blanks before field use to eliminate a high blank on test samples.)

4.2 *Pretest preparation.* 6 HNO_3 is needed. Dilute 390 ml of concentrated HNO_3 to 1 liter with deionized distilled water.

4.3 *Sample Recovery.* 0.1 N HNO_3 (same as 4.1.4 above) is needed for sample recovery.

4.4 *Analysis.* The following reagents are needed for analysis (use ACS reagent grade chemicals or equivalent, unless otherwise specified):

4.4.1 *Water.* Same as 4.1.3 above.

4.4.2 *Nitric Acid.* Concentrated.

4.4.3 *Nitric Acid, 50 percent (V/V).* Dilute 500 ml of concentrated HNO_3 to 1 liter with deionized distilled water.

4.4.4 *Stock Lead Standard Solution, 1000 μg Pb/ml.* Dissolve 0.1598 g of lead nitrate [$Pb(NO_3)_2$] in about 60 ml of dionized distilled water, add 2 ml concentrated HNO_3, and dilute to 100 ml with deionized distilled water.

4.4.5 *Working Lead Standards.* Pipet 0.0, 1.0, 2.0, 3.0, 4.0, and 5.0 ml of the stock lead standard solution (4.4.4) into 250-ml volumetric flasks. Add 5 ml of concentrated HNO_3 to each flask and dilute to volume with deionized distilled water. These working standards contain 0.0, 4.0, 8.0, 12.0, 16.0, and 20.0 μg Pb/ml, respectively. Prepare, as needed, additional standards at other concentrations in a similar manner.

4.4.6 *Air.* Suitable quality for atomic absorption analysis.

4.4.7 *Acetylene.* Suitable quality for atomic absorption analysis.

4.4.8 *Hydrogen Peroxide, 3 percent (V/V).* Dilute 10 ml of 30 percent H_2O_2 to 100 ml with deionized distilled water.

5. Procedure

5.1 *Sampling.* The complexity of this method is such that, in order to obtain reliable results, testers should be trained and experienced with the test procedures.

5.1.1 *Pretest Preparation.* Follow the same general procedure given in Method 5, Section 4.1.1, except the filter need not be weighed.

5.1.2 *Preliminary Determinations.* Follow the same general procedure given in Method 5, Section 4.1.2.

5.1.3 *Preparation of Collection Train.* Follow the same general procedure given in Method 5, Section 4.1.3, except place 100 ml of 0.1 HNO_3 in each of the first two impingers, leave the third impinger empty, and transfer approximately 200 to 300 g of preweighed silica gel from its container to the fourth impinger. Set up the train as shown in Figure 12–1.

5.1.4 *Leak-Check Procedures.* Follow the general leak-check procedures given in Method 5, Sections 4.1.4.1 (Pretest Leak-Check), 4.1.4.2 (Leak-Checks During the Sample Run), and 4.1.4.3 (Post-Test Leak-Check).

5.1.5 *Sampling Train Operation.* Follow the same general procedure given in Method 5, Section 4.1.5. For each run, record the data required on a data sheet such as the one shown in EPA Method 5, Figure 5–2.

5.1.6 *Calculation of Percent Isokinetic.* Same as Method 5, Section 4.1.6.

5.2 *Sample Recovery.* Begin proper cleanup procedure as soon as the probe is removed from the stack at the end of the sampling period.

Allow the probe to cool. When it can be safety handled, wipe off all external particulate matter near the tip of the probe nozzle and place a cap over it. Do not cap off the probe tip tightly while the sampling train is cooling down as this would create a vacuum in the filter holder, thus drawing liquid from the impingers into the filter.

Before moving the sampling train to the cleanup site, remove the probe from the sampling train, wipe off the silicone grease, and cap the open outlet of the probe. Be careful not to lose any condensate that might be present. Wipe off the silicone grease from the glassware inlet where the probe was fastened and cap the inlet. Remove the umbilical cord from the last impinger and cap the impinger. The tester may use ground-glass stoppers, plastic caps, or serum caps to close these openings.

Transfer the probe and filter-impinger assembly to a cleanup area, which is clean and protected from the wind so that the chances of contaminating or losing the sample is minimized.

Inspect the train prior to and during disassembly and note any abnormal conditions. Treat the samples as follows:

5.2.1 *Container No. 1* (Filter). Carefully remove the filter from the filter holder and place it in its identified petri dish container. If it is necessary to fold the filter, do so such that the sample-exposed side is inside the fold. Carefully transfer to the petri dish any visible sample matter and/or filter fibers that adhere to the filter holder gasket by using a dry Nylon bristle brush and/or a sharp-edged blade. Seal the container.

5.2.2 *Container No. 2* (Probe). Taking care that dust on the outside of the probe or other exterior surfaces does not get into the sample, quantitatively recover sample matter or any condensate from the probe nozzle, probe fitting, probe liner, and front half of the filter holder by washing these components with 0.1 N HNO_3 and placing the wash into a glass sample storage container. Measure and record (to the nearest 2-ml) the total amount of 0.1 N HNO_3 used for each rinse. Perform the 0.1 N HNO_3 rinses as follows:

Carefully remove the probe nozzle and rinse the inside surfaces with 0.1 N HNO_3 from a wash bottle while brushing with a stainless steel, Nylon-bristle brush. Brush until the 0.1 N HNO_3 rinse shows no visible particles, then make a final rinse of the inside surface.

Brush and rinse with 0.1 N HNO_3 the inside parts of the Swagelok fitting in a similar way until no visible particles remain.

Rinse the probe liner with 0.1 N HNO_3. While rotating the probe so that all inside surfaces will be rinsed with 0.1 N HNO_3, tilt the probe and squirt 0.1 N HNO_3 into its upper end. Let the 0.1 N HNO_3 drain from the lower end into the sample container. The tester may use a glass funnel to aid in transferring liquid washes to the container. Follow the rinse with a probe brush. Hold the probe in an inclined position, squirt 0.1 N HNO_3 into the upper end of the probe as the probe brush is being pushed with a twisting action through the probe; hold the sample container underneath the lower end of the probe and catch any 0.1 N HNO_3 and sample matter that is brushed from the probe. Run the brush through the probe three times or more until no visible sample matter is carried out with the 0.1 N HNO_3 and none remains on the probe liner on visual inspection. With

[1] Mention of trade names or specific products does not constitute endorsement by the U.S. Environmental Protection Agency.

stainless steel or other metal probes, run the brush through in the above prescribed manner at least six times, since metal probes have small crevices in which sample matter can be entrapped. Rinse the brush with 0.1 N HNO_3 and quantitatively collect these washings in the sample container. After the brushing make a final rinse of the probe as described above.

It is recommended that two people clean the probe to minimize loss of sample. Between sampling runs, keep brushes clean and protected from contamination.

After insuring that all joints are wiped clean of silicone grease, brush and rinse with 0.1 N HNO_3 the inside of the front half of the filter holder. Brush and rinse each surface three times or more, if needed, to remove visible sample matter. Make a final rinse of the brush and filter holder. After all 0.1 N HNO_3 washings and sample matter are collected in the sample container, tighten the lid on the sample container so that the fluid will not leak out when it is shipped to the laboratory. Mark the height of the fluid level to determine whether leakage occurs during transport. Label the container to clearly identify its contents.

5.2.3 *Container No. 3* (Silica Gel). Check the color of the indicating silica gel to determine if it has been completely spent and make a notation of its condition. Transfer the silica gel from the fourth impinger to the original container and seal. The tester may use a funnel to pour the silica gel and a rubber policeman to remove the silica gel from the impinger. It is not necessary to remove the small amount of particles that may adhere to the walls and are difficult to remove. Since the gain in weight is to be used for moisture calculations, do not use any water or other liquids to transfer the silica gel. If a balance is available in the field, the tester may follow procedure for Container No. 3 under Section 5.4 (Analysis).

5.2.4 *Container No. 4* (Impingers). Due to the large quantity of liquid involved, the tester may place the impinger solutions in several containers. Clean each of the first three impingers and connecting glassware in the following manner:

1. Wipe the impinger ball joints free of silicone grease and cap the joints.

2. Rotate and agitate each impinger, so that the impinger contents might serve as a rinse solution.

3. Transfer the contents of the impingers to a 500-ml graduated cylinder. Remove the outlet ball joint cap and drain the contents through this opening. Do not separate the impinger parts (inner and outer tubes) while transferring their contents to the cylinder. Measure the liquid volume to within ± 2 ml. Alternatively, determine the weight of the liquid to within ± 0.5 g. Record in the log the volume or weight of the liquid present, along with a notation of any color or film observed in the impinger catch. The liquid volume or weight is needed, along with the silica gel data, to calculate the stack gas moisture content (see Method 5, Figure 5-3).

4. Transfer the contents to Container No. 4.

5. Note: In steps 5 and 6 below, measure and record the total amount of 0.1 N HNO_3 used for rinsing. Pour approximately 30 ml of 0.1 N HNO_3 into each of the first three impingers and agitate the impingers. Drain the 0.1 N HNO_3 through the outlet arm of each impinger into Container No. 4. Repeat this operation a second time; inspect the impingers for any abnormal conditions.

6. Wipe the ball joints of the glassware connecting the impingers free of silicone grease and rinse each piece of glassware twice with 0.1 N HNO_3; transfer this rinse into Container No. 4. (*Do not rinse or brush the glass-fritted filter support.*) Mark the height of the fluid level to determine whether leakage occurs during transport. Label the container to clearly identify its contents.

5.2.5 Blanks. Save 200 ml of the 0.1 N HNO_3 used for sampling and cleanup as a blank. Take the solution directly from the bottle being used and place into a glass sample container labeled "0.1 N HNO_3 blank."

5.3 Sample Preparation.

5.3.1 *Container No. 1* (Filter). Cut the filter into strips and transfer the strips and all loose particulate matter into an 125-ml Erlenmeyer flask. Rinse the petri dish with 10 ml of 50 percent HNO_3 to insure a quantitative transfer and add to the flask. (Note: If the total volume required in Section 5.3.3 is expected to exceed 80 ml, use a 250-ml Erlenmeyer flask in place of the 125-ml flask.)

5.3.2 *Containers No. 2 and No. 4* (Probe and Impingers). (Check the liquid level in Containers No. 2 and/or No. 4 and confirm as to whether or not leakage occurred during transport; note observation on the analysis sheet. If a noticeable amount of leakage had occurred, either void the sample or take steps, subject to the approval of the Administrator, to adjust the final results.) Combine the contents of Containers No. 2 and No. 4 and take to dryness on a hot plate.

5.3.3 *Sample Extraction for Lead.* Based on the approximate stack gas particulate concentration and the total volume of stack gas sampled, estimate the total weight of particulate sample collected. Then transfer the residue from Containers No. 2 and No. 4 to the 125-ml Erlenmeyer flask that contains the filter using rubber policeman and 10 ml of 50 percent HNO_3 for every 100 mg of sample collected in the train or a minimum of 30 ml of 50 percent HNO_3, whichever is larger.

Place the Erlenmeyer flask on a hot plate and heat with periodic stirring for 30 min at a temperature just below boiling. If the sample volume falls below 15 ml, add more 50 percent HNO_3. Add 10 ml of 3 percent H_2O_2 and continue heating for 10 min. Add 50 ml of hot (80°C) deionized distilled water and heat for 20 min. Remove the flask from the hot plate and allow to cool. Filter the sample through a Millipore membrane filter or equivalent and transfer the filtrate to a 250-ml volumetric flask. Dilute to volume with deionized distilled water.

5.3.4 *Filter Blank.* Determine a filter blank using two filters from each lot of filters used in the sampling train. Cut each filter into strips and place each filter in a separate 125-ml Erlenmeyer flask. Add 15 ml of 50 percent HNO_3 and treat as described in Section 5.3.3 using 10 ml of 3 percent H_2O_2 and 50 ml of hot, deionized distilled water. Filter and dilute to a total volume of 100 ml using deionized distilled water.

5.3.5 *0.1 N HNO_3 Blank.* Take the entire 200 ml of 0.1 N HNO_3 to dryness on a steam bath, add 15 ml of 50 percent HNO_3, and treat as described in Section 5.3.3 using 10 ml of 3 percent H_2O_2 and 50 ml of hot, deionized distilled water. Dilute to a total volume of 100 ml using deionized distilled water.

5.4 Analysis.

5.4.1 *Lead Determination.* Calibrate the spectrophotometer as described in Section 6.2 and determine the absorbance for each source sample, the filter blank, and 0.1 N HNO_3 blank. Analyze each sample three times in this manner. Make appropriate dilutions, as required, to bring all sample Pb concentrations into the linear absorbance range of the spectrophotometer.

If the Pb concentration of a sample is at the low end of the calibration curve and high accuracy is required, the sample can be taken to dryness on a hot plate and the residue dissolved in the appropriate volume of water to bring it into the optimum range of the calibration curve.

5.4.2 *Mandatory Check for Matrix Effects on the Lead Results.* The analysis for Pb by atomic absorption is sensitive to the chemical composition and to the physical properties (viscosity, pH) of the sample (matrix effects). Since the Pb procedure described here will be applied to many different sources, many sample matrices will be encountered. Thus, check (mandatory) at least one sample from each source using the Method of Additions to ascertain that the chemical composition and physical properties of the sample did not cause erroneous analytical results.

Three acceptable "Method of Additions" procedures are described in the General Procedure Section of the Perkin Elmer Corporation Manual (see Citation 9.1). If the results of the Method of Additions procedure on the source sample do not agree within 5 percent of the value obtained by the conventional atomic absorption analysis, then the tester must reanalyze all samples from the source using the Method of Additions procedure.

5.4.3 *Container No. 3* (Silica Gel). The tester may conduct this step in the field. Weigh the spent silica gel (or silica gel plus impinger) to the nearest 0.5 g; record this weight.

6. Calibration

Maintain a laboratory log of all calibrations.

6.1 *Sampling Train Calibration.* Calibrate the sampling train components according to the indicated sections of Method 5: Probe Nozzle (Section 5.1); Pitot Tube (Section 5.2); Metering System (Section 5.3); Probe Heater (Section 5.4); Temperature Gauges (Section 5.5); Leak-Check of the Metering System (Section 5.6); and Barometer (Section 5.7).

6.2 *Spectrophotometer.* Measure the absorbance of the standard solutions using the instrument settings recommended by the spectrophotometer manufacturer. Repeat until good agreement (± 3 percent) is obtained between two consecutive readings. Plot the absorbance (y-axis) versus concentration in μg Pb/ml (x-axis). Draw or compute a straight line through the linear portion of the curve. Do not force the calibration curve through zero, but if the curve does not pass through the origin or at least lie closer to the origin than ± 0.003

absorbance units, check for incorrectly prepared standards and for curvature in the calibration curve.

To determine stability of the calibration curve, run a blank and a standard after every five samples and recalibrate, as necessary.

7. Calculations

7.1 *Dry Gas Volume.* Using the data from this test, calculate $V_{m(std)}$, the total volume of dry gas metered corrected to standard conditions (20 °C and 760 mm Hg), by using Equation 5–1 of Method 5. If necessary, adjust $V_{m(std)}$ for leakages as outlined in Section 6.3 of Method 5. See the field data sheet for the average dry gas meter temperature and average orifice pressure drop.

7.2 *Volume of Water Vapor and Moisture Content.* Using data obtained in this test and Equations 5–2 and 5–3 of Method 5, calculate the volume of water vapor $V_{w(std)}$ and the moisture content B_{ws} of the stack gas.

7.3 *Total Lead in Source Sample.* For each source sample correct the average absorbance for the contribution of the filter blank and the 0.1 N HNO_3 blank. Use the calibration curve and this corrected absorbance to determine the μg Pb concentration in the sample aspirated into the spectrophotometer. Calculate the total Pb content C°_{Pb} (in μg) in the original source sample; correct for all the dilutions that were made to bring the Pb concentration of the sample into the linear range of the spectrophotometer.

7.4 *Lead Concentration.* Calculate the stack gas Pb concentration C_{Pb} in mg/dscm as follows:

$$C_{Pb} = K \frac{C^{\circ}_{Pb}}{V_{m(std)}} \quad \text{Eq. 12-1}$$

Where:

K=0.001 mg/μg for metric units.
=2.205 lb/μg for English units.

7.5 *Isokinetic Variation and Acceptable Results.* Same as Method 5, Sections 6.11 and 6.12, respectively. To calculate v_s, the average stack gas velocity, use Equation 2–9 of Method 2 and the data from this field test.

8. Alternative Test Methods for Inorganic Lead

8.1 *Simultaneous Determination of Particulate and Lead Emissions.* The tester may use Method 5 to simultaneously determine Pb provided that (1) he uses 0.1 N HNO_3 in the impingers, (2) he uses a glass fiber filter with a low Pb background, and (3) he treats and analyzes the entire train contents, including the impingers, for Pb as described in Section 5 of this method.

8.2 *Filter Location.* The tester may use a filter between the third and fourth impinger provided that he includes the filter in the analysis for Pb.

8.3 *In-stack Filter.* The tester may use an in-stack filter provided that (1) he uses a glass-lined probe and at least two impingers, each containing 100 ml of 0.1 N HNO_3, after the in-stack filter and (2) he recovers and analyzes the probe and impinger contents for Pb.

9. Bibliography

9.1 *Perkin Elmer Corporation.* Analytical Methods for Atomic Absorption Spectrophotometry. Norwalk, Connecticut. September 1976.

9.2 *American Society for Testing and Materials.* Annual Book of ASTM Standards. Part 31; Water, Atmospheric Analysis. Philadelphia, Pa. 1974. p. 40–42.

9.3 *Klein, R. and C. Hach.* Standard Additions—Uses and Limitations in Spectrophotometric Analysis. *Amer. Lab.* 9:21–27. 1977.

9.4 *Mitchell, W. J. and M. R. Midgett.* Determining Inorganic and Alkyl Lead Emissions from Stationary Sources. U.S. Environmental Protection Agency, Emission Monitoring and Support Laboratory. Research Triangle Park, NC. (Presented at National APCA Meeting. Houston. June 26, 1978.)

9.5 Same as Method 5, Citations 2 to 5 and 7 of Section 7.

* * * * *

(Sections 111, 114, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7411, 7414, and 7601(a)))

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Federal Register

Monday
January 14, 1980

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Final Rule Change on the Grant Period for Program Development Grants and Implementation of Program Policies for Abandoned Mine Land Reclamation; Extension of Comment Period on Draft Environmental Impact Statement

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 735

Final Rule Change on the Grant Period for Program Development Grants

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Notice of final rule on grant period for Program Development Grants.

SUMMARY: OSM is deleting § 735.11(c) of the final initial regulatory program rules as published in the Federal Register on December 13, 1977, (42 FR 62707), relating to the maximum number of months during which a State may receive a Program Development Grant. In addition, a new § 735.15(a)(3) is added to provide continued grant assistance. This action is to allow a State to receive a Program Development Grant during the period of time when it does not have an approved State Regulatory Program and is necessitated by the decision of the U.S. District Court for the District of Columbia extending the submission date of a State Regulatory Program to March 3, 1980.

EFFECTIVE DATE: January 14, 1980.

FOR FURTHER INFORMATION CONTACT: Carl. C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, 1951 Constitution Avenue, NW. Washington, D.C. 20240 (202) 343-4225

SUPPLEMENTARY INFORMATION: On December 13, 1977, the Secretary of the Interior promulgated the final rules for the initial regulatory program under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act). The rules implement Section 705(a) of the Act which provides for financial assistance to States in developing, administering and enforcing State regulatory programs. The Act authorizes grants not to exceed 80 per centum of the total costs incurred during the first year, and 60 per centum of the total costs incurred during the second year, and 50 per centum of the total costs incurred during each year thereafter. Section 735.11(c) limits program development grants to a maximum period of 24 months. This restriction was in accord with the requirement that proposed State regulatory programs be submitted by August 3, 1979. OSM's rules relating to State program submissions are found in 30 CFR Parts 730-736, (44 FR 15323 *et seq.* March 13, 1979).

On July 25, 1979, the U.S. District Court for the District of Columbia, in response to a suit filed by the State of Illinois, enjoined the Department of the Interior from requiring the submission of State programs under Section 503(a) of the Act until March 3, 1980. On August 21, 1979, the court ordered that its injunction continue.

The State of North Dakota has received two one-year program development grants. The first was for the period December 1, 1977, to November 30, 1978, and the second is for the period December 1, 1978, to November 30, 1979. As a result of the extended time to prepare submissions provided by the court order, the State of North Dakota decided to use the extension to develop its proposed regulatory program. For that extra period the State desires to extend its current program development grant at the applicable Federal cost sharing percentage authorized by Section 705(a) of the Act. Due to the time restriction imposed by § 735.11(c), however, the extension would not be possible. Several other States may also encounter the same problem in the near future.

The amendment promulgated today deletes § 735.11(c) and enables a State to continue obtaining program development grant assistance during the period which it may prepare its State program. It also adds a new § 735.15(a)(3) which specifies that for the third and following years of a program development grant the Regional Director shall approve grants for not more than 50 percent of the total costs, pursuant to the cost-sharing restrictions of Section 705 of the Act.

While 5 U.S.C. 553(a) exempts from public comment rules which deal with grants, the Department's policy has been to provide notice and opportunity for public comment. However, in this case the Department has determined that the ordinary procedures are impracticable, unnecessary and contrary to the public interest. There are several reasons for this expedited procedure. First, this change in regulations is necessary in light of a court-ordered change in the required date of a State program submission. Second, the Act does not distinguish between program development activities and permanent program implementation activities insofar as establishing time periods and providing financial assistance. The regulations were developed with the August 3, 1979, program submission deadline in effect. That deadline no longer is applicable. Third, the public interest in assisting the States to develop a regulatory program which achieves the purposes of the Act, declared by Congress in section 102(g), far outweighs any individual's interest in having an opportunity to comment before this rule change takes effect. The Department is therefore acting in the best interest of the public by enabling a State to obtain program development grants during any period for which it does not have an approved State program.

In order to continue to support the program development effort of North Dakota and other States in the future, this rule must be effective immediately. Additionally, the rule change removes restrictions imposed by the regulations as originally promulgated and thus will not adversely affect any State.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR part 14, 43 FR 58292, *et seq.* (December 12, 1978).

The Department of the Interior has determined that this action will not have a significant effect on the human environment and an environmental impact statement will therefore not be prepared. These amendments are effective immediately.

Primary author of this document is Gene E. Krueger, State Programs Division, Office of Surface Mining.

Dated: January 7, 1980

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

Amendment

§ 735.11 [Amended]

1. Accordingly, 30 CFR 735.11(c) is deleted in its entirety.

2. 30 CFR 735.15(a)(3) is added to read as follows:

§ 735.15 [Amended]

* * * * *

(a) * * *

(3) For the third year and each following year of a program development grant the Regional Director shall approve grants for not more than 50 percent of the total agreed upon costs pursuant to § 735.14(a).

[FR Doc. 80-1167 Filed 1-11-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 870, 872, 874, 877, 879, 882, 884, 886, and 888

[INT DES 79-58]

Extension of Comment Period on Draft Environmental Impact Statement on Implementation of Program Policies for Abandoned Mine Land Reclamation

AGENCY: Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

ACTION: Extention of public comment period on draft environmental impact statement (DES).

SUMMARY: This notice extends the period for submitting public comment on the DES addressing implementation of program policies for Federal, State, and Indian abandoned mine land reclamation under Title IV of the Surface Mining Control and Reclamation Act of 1977. The DES was made available on November 5, 1979 (44 FR 63737). As a result of comments already received, this extension was determined necessary to allow the public more time to respond.

DATES: The deadline for written comments is reopened from January 14, 1980, to 5 p.m. on January 21, 1980.

ADDRESS: Written comments on the DES must be mailed or hand-delivered to the Office of Surface Mining, Room 135, South Building, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240, weekdays between 8:30 a.m. and 5:00 p.m. All comments will be on file and available for inspection at the same address.

FOR FURTHER INFORMATION CONTACT: Frank Anderson, Branch of Environmental Analysis, Office of Surface Mining, U.S. Department of the Interior, Washington, DC 20240, telephone 202-343-5287.

Dated: January 9, 1980.

Tony Head, Jr.,

Acting Director, Office of Surface Mining.

[FR Doc. 80-1161 Filed 1-11-80; 8:45 am]

BILLING CODE 4310-05-M

Federal Register

Monday
January 14, 1980

Part V

Department of Justice

Law Enforcement Assistance Administration

Formula Grants for Criminal and Juvenile Justice

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

28 CFR Part 31

Formula Grants for Criminal and Juvenile Justice

AGENCY: Law Enforcement Assistance Administration, U.S. Department of Justice.

ACTION: Proposed rules; request for public comment.

SUMMARY: The Law Enforcement Assistance Administration (LEAA) is publishing for public comment proposed regulations to implement the formula grant programs authorized by Part D of the Justice System Improvement Act of 1979 and Part B of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. The Justice System Improvement Act reauthorizes and restructures the Federal assistance program to State and local governments for criminal justice improvements. These proposed regulations implement the reforms instituted by the new legislation. They provide for a simplified, three-year application, greater autonomy and responsibility for local government, and more effective uses of furmula grant monies. They eliminate burdensome planning requirements which had created needless red-tape and paperwork and strengthen accountability for results. The proposed regualtions deal with procedures and requirements for formula grant applications under the Justice System Improvement Act and the Juvenile Justice and Delinquency Prevention Act. Additional requirements for grant administration and fund accounting are set forth in LEAA Guideline Manual M7100.1A. Requirements for performance reporting will be specified in guidelines now under development and to be published in the Federal Register for review and comment.

DATE: Comments are due on or before February 28, 1980.

ADDRESSES: Send comments to J. Robert Grimes, Assistant Administrator, Office of Criminal Justice Programs, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: Allen Payne, Director, Policy and Management Planning Staff, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (202) 724-7659.

SUPPLEMENTARY INFORMATION: All comments will be considered in the publication of the final regulations. The reasons for the 45 day comment period are: the need for timely guidance to State and local governments regarding program requirements; and the extensive involvement of state and local officials in the development of the draft guidelines.

Accordingly, it is proposed to add a new Part 31 to 28 CFR Chapter I to read as follows:

PART 31—FORMULA GRANTS

Subpart A—General Provisions

Sec.

Subpart B—Eligible Applicants

Subpart C—Allocation and Uses of Funds

Subpart D—Application Content

Subpart E—Submission and Review of Applications

Subpart F—Additional Requirements

Subpart G—Monitoring, Evaluation and Reporting

Subpart H—Juvenile Justice

Subpart I—General Conditions and Assurances

Authority: 42 U.S.C. 3701 et seq., 5601 et seq.

Subpart A—General Provisions

§ 31.1 General.

This Part defines eligibility criteria and sets forth requirements for application for and administration of formula grants to State and local governments authorized by part D of the Justice System Improvement Act and Part B of the Juvenile Justice and Delinquency Prevention Act. The Justice System Improvement Act (JSIA) reauthorizes the program of criminal justice formula grants to States and localities through amendments to the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Consistent with the JSIA, these regulations simplify the application process, reduce paperwork, and emphasize the submission of certifications and assurances, rather than detailed and voluminous applications.

§ 31.2 Purpose of program.

This program allocates monies among the States by formula to undertake criminal and juvenile justice improvement efforts in accord with broad statutorily-specified purposes. States and localities have discretion to determine priorities and propose programs and projects based on their analysis of their needs and problems.

§ 31.3 Statutory authority.

Two statutes authorize the Law Enforcement Assistance Administration to make grants for criminal and juvenile justice improvement programs. These are:

(a) *Justice System Improvement Act of 1979*—(42 U.S.C. 3701 et seq). Formula grants are authorized to States and local governments to carry out programs of proven or likely effectiveness in improving criminal and juvenile justice. Grant awards are made by LEAA after review and approval of comprehensive,

three-year applications submitted in accordance with the requirements of these regulations.

(b) *Juvenile Justice and Delinquency Prevention Act of 1974,* as amended (42 U.S.C. 5601 et seq). Formula grants are authorized to States for use by State and local public and private agencies in carrying out juvenile justice and delinquency prevention improvement programs. Complete application requirements for this grant program are detailed in Subpart H of this Regulation.

§ 31.4 Related LEAA grant programs.

In addition to formula grants, the Justice System Improvement Act and Juvenile Justice and Delinquency Prevention Act authorize four major national-level grant programs. These include:

(a) *Discretionary Grants*—(Part F of the JSIA). These grants provide financial and technical assistance to encourage States, local governments and non-profit organizations to undertake improvement programs.

(b) *National Priority Grants*—(Part E of the JSIA). These grants provide assistance to encourage States and local governments to carry out programs which, on the basis of research, demonstration or evaluation, have been shown to be effective or innovative and likely to have a beneficial impact on criminal and juvenile justice.

(c) *Community Anti-Crime Grants*—(Part A of the JSIA). These grants provide assistance to encourage neighborhood and community participation in crime prevention and public safety and the development of comprehensive crime prevention programs.

(d) *Special Emphasis Grants*—(Part B of the Juvenile Justice and Delinquency Prevention Act). These grants provide assistance to public and private agencies for juvenile justice improvement programs. Information and application requirements for these related grant programs may be obtained on request from LEAA.

§ 31.5 Research and statistics.

The Justice System Improvement Act also authorizes programs of justice statistics and research. These programs are administered by the Bureau of Justice Statistics (BJS) and the National Institute of Justice (NIJ), respectively.

§ 31.6 Submission date.

Comprehensive State applications for the period FY 81–83 shall be submitted to the Law Enforcement Assistance Administration by August 31, 1980.

§ 31.7 Further information.

Persons requesting additional information about the formula grants program should contact: Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

Subpart B—Eligible Applicants

§ 31.100 General.

This subpart describes who may apply for formula grants under the Justice System Improvement Act and the general responsibilities and functions of applicants.

§ 31.101 State Government.

All States are eligible to apply for and receive formula grants authorized by the Justice System Improvement Act. States as defined in the statute include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(a) *Establishment of State Criminal Justice Council.* Each State shall establish or designate by law a State Criminal Justice Council subject to the jurisdiction of the State's chief executive (hereinafter referred to as the Council). The chief executive of the State shall provide professional, technical and clerical support to the Council to enable it to meet its responsibilities under the Act. (Sec. 402(b))

(1) *Membership.* The chief executive of the State shall appoint the members of the Council and designate the Chairman. The membership of the Council shall be broadly representative and include:

(i) Representatives of local governments and combinations eligible for entitlement status, as defined in *sec.* § 31.102, shall comprise at least one-third of the Council Membership. Representatives of entitlement jurisdictions shall be persons who exercise authority in these jurisdictions, including general elected officials, and representatives of the criminal justice agencies of the locality. Other persons who reside in the entitlement jurisdiction may be appointed as representatives of the entitlement area where expressly agreed to by the chief executive of the entitlement or, in the case of a combination, by the chief executives of the participating local governments.

(ii) Representatives of local government ineligible for entitlement status. Representatives of smaller units of local government ineligible for entitlement status shall be persons who exercise authority in these jurisdictions, including general elected officials and representatives of the criminal justice agencies of the locality. Other persons who reside in the locality may be appointed as representatives of the local government where expressly agreed to by the chief executive of the locality.

(iii) Representatives of various components of the criminal justice system, including agencies directly related to the prevention and control of juvenile delinquency and representatives of police, courts, corrections, prosecutors and defense attorneys.

(iv) Representatives of the general public including neighborhood and community-based organizations, and business and professional organizations. A representative of the general public shall not be a full-time government employee or elected official.

(v) Representatives of the judiciary including at a minimum the chief judicial officer or other officer of the court of last resort, the chief judicial administrative officer of the State, and a local trial court judicial officer.

(A) If the chief judicial officer or chief judicial administrative officer cannot or does not choose to serve, the other judicial officer shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within 30 days after the occurrence of any vacancy in the judicial membership;

(B) Additional judicial members of the Council may be appointed by the chief executive of the State from the membership of the judicial coordinating committee, or, in the absence of a judicial coordinating committee, from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort.

(vi) States participating in the formula grant program of the Juvenile Justice and Delinquency Prevention Act, must include on the Council the chairperson and at least two additional citizen members of any advisory group established pursuant to Sec. 222(a)(3) of that Act. For purposes of this requirement a citizen member is defined as any person who is not a fulltime government employee or elected official. Any executive committee of the Council must include the same proportion of juvenile justice advisory group members as are included in the total Council membership.

(vii) Individual representatives may fulfill the requirements of more than one functional or geographical area where appropriate to the backgound and expertise of the individual. Federal

representation is prohibited except in the District of Columbia, American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(2) *Council functions.* Sec. 402(b)(1) of the Justice System Improvement Act sets forth the following purposes of the State Criminal Justice Council:

(i) Analyzing the criminal and juvenile justice problems within the State based on input from all localities, State agencies, and the judicial coordinating committee, and establishing priorities based on the analysis and assuring that these priorities are published and made available to affected criminal and juvenile justice agencies at least three months before applications are due.

(ii) Preparing the comprehensive State application reflecting the statewide goals, objectives, priorities and projected grant programs;

(iii) Receiving, reviewing, and approving (or disapproving) applications or amendments submitted by State agencies, the Judicial Coordinating Committee, and balance of state areas, and providing financial assistance to these agencies and units according to the criteria of this title and on the terms and conditions established by the Council;

(iv) Receiving, coordinating, reviewing and monitoring all applications or amendments submitted by State agencies, the Judicial Coordinating Committee, and units of local government, recommending ways to improve the effectiveness of the programs or projects referred to in these applications with Federal requirements and State law and integrating these applications into the comprehensive state application;

(v) Preparing an annual report for the Governor and the State legislature containing an assessment of the criminal and juvenile justice problems and priorities within the State; the adequacy of existing State and local agencies, programs, and resources to meet these problems and priorities; the distribution and use of formula grant funds and the relationship of these funds to State and local resources allocated to crime and justice system problems; and the major policy and legislative initiatives that are recommended to be undertaken on a statewide basis;

(vi) Assisting the Governor, State legislature, and units of local government upon request in developing new or improved approaches, policies, or legislation designed to improve criminal justice in the State;

(vii) Developing and publishing information concerning criminal justice in the State;

(viii) Providing technical assistance upon request to State agencies, the Judicial Coordinating Committee, units of local government, and community-based organizations in matters relating to improving criminal justice in the state.

(ix) Assuring fund accounting, auditing and evaluation of programs and projects funded with formula grant monies to assure compliance with Federal requirements and State law.

(3) *Transition.* State criminal justice planning agencies established pursuant to the Omnibus Crime Control and Safe Streets Act may carry out the functions, powers and duties of State Criminal Justice Councils provided that within two years of the effective date of the Justice System Improvement Act, they meet the representation requirements set forth. Prior to this date, Councils not meeting the representation requirements of the Justice System Improvement Act must be in compliance with those set forth in Sec. 203(a) of the Crime Control Act.

(4) *Assurance.* States must assure that they have on file and available for review a copy of the State law establishing the Council, and a current list of Council membership that includes information adequate to document compliance with the representation requirements set forth.

(b) *Establishment of Judicial Coordinating Committee.* A Judicial Coordinating Committee (JCC) may be established by the court of last resort in each state. If State law has authorized another judicial agency to perform this function which has a statutory membership of a majority of judges and court administrators, that agency may establish or designate the judicial coordinating committee (Sec. 402(d)).

(1) *Membership.* The members of the JCC shall be appointed by the court of last resort, or by another judicial agency authorized. The membership shall be representative of the various local and state courts of the State, including appellate and juvenile courts.

(2) *Functions.* The JCC shall perform the following functions:

(i) Establish priorities for improvement of the courts of the State.

(ii) Prepare and submit to the State Council, a three year application and amendments for programs and projects to improve the courts and judicial agencies of the State.

(iii) Review applications and amendments for courts projects or programs from other eligible jurisdictions to insure consistency with court priorities.

(3) *Assurance.* If a JCC is established or designated, the State Council must assure that there is on file and available for review a copy of the document officially establishing the JCC, and a list of current membership.

§ 31.102 Entitlement areas.

Larger units of local general government, including combinations, are eligible to receive a specific portion of Part D monies (determined by the statutory formula described in subpart C, § 31.201), and to set priorities for the use of those funds based on their analysis of their crime and criminal justice problems. Grants to these jurisdictions are termed "entitlement grants" and jurisdictions eligible and electing to apply for such grants are termed "entitlement" areas. Status as an "entitlement" area under the Justice System Improvement Act means (a) certainty of receiving a specified portion of the states' total allocation of Part D funds contingent on submission of an approved application; (b) significant autonomy over the use of those funds; and (c) responsibility to meet requirements of Federal and State law and regulations. Local governments that are ineligible for or waive entitlement status, compete for formula grant monies reserved for the use of local balance-of-State areas (See § 31.103).

(a) *Eligibility.* (1) *Criteria.* Local governments qualify as entitlements areas, if they meet one of the following criteria:

(i) A municipality of at least 100,000 population which provides at least .15 percent of State and local criminal justice expenditures and would receive at a minimum $50,000 in Part D funds;

(ii) A county of at least 100,000 population which provides at least .15 percent of State and local criminal justice expenditures and would receive a minimum $50,000 in Part D funds;

(iii) A combination of units of local government which has a total population of 100,000 persons and would receive at a minimum $50,000 in Part D funds.

(A) A "combination" is a grouping of units of local general government for the purpose of preparing, developing or implementing a criminal justice program. A "combination" must evidence a commitment to coordinated efforts to identify problems, set priorities and develop improvement programs; and must have the legal authority to prepare applications and accept and administer formula grant awards under the JSIA on behalf of its member units of local government.

(1) Combinations may include groupings of local governments within a single county; contiguous jurisdictions over a multi-county area; or contiguous localities whether or not they are situated in one or more State(s).

(2) Combinations may be formed by the joining together of localities that are otherwise ineligible for entitlement status; of municipalities and counties that, on their own, qualify as entitlement areas; or by eligible entitlement jurisdictions and neighboring localities that otherwise do not qualify for entitlement.

(B) Entitlement areas which choose to utilize regional planning units may utilize the boundaries and organization of existing general purpose regional planning bodies within the State.

(C) Where units combine, the combination will receive an allocation of funds based on the aggregate share of State and local criminal justice expenditures of the participating localities.

(2) *Notice and determination of eligibility.* (i) State Councils must survey those jurisdictions, including existing regional planning units, which meet the eligibility criteria set forth above prior to February 1, 1980 in order to determine which of these opt for entitlement status. State Councils must inform these jurisdictions of the alternatives available to them under the federal legislation.

(ii) Eligible localities, including combinations, shall notify the State Council in writing of their intent to accept entitlement status by no later than March 1, 1980 in order to participate as entitlements for the full three-year application period. Failure to notify the State Council by this date shall mean that the locality is declining its entitlement for fiscal year 1981 and chooses to compete for funds with other balance-of-State localities.

(iii) While the JSIA clearly contemplates a full three-year application cycle, eligible entitlement areas may defer their decision to opt for entitlement status for one year. Jurisdictions that decline their entitlement status for the period FY 81–83, may notify the State Council by March 1, 1981 of their intent to the exercise their entitlement option for the remaining two fiscal years of the three-year application cycle. Failure to notify the Council in writing by this date shall mean that the eligible entitlement jurisdiction chooses to compete for formula grant funds with other balance-of-State localities.

(3) *Optional arrangements.* (i) Units of local government (or combinations) that meet the eligibility criteria but nevertheless decline entitlement status thereby elect to compete for Part D funds with all other local governments in the State that are either ineligible for or decline entitlement status.

(ii) No provision herein is intended to discourage eligible units of local government from continuing or establishing relationships with their State Councils similar to those established under the mini-block provisions of the Crime Control Act where jointly agreed to by the local jurisdiction and the State.

(b) *Responsibilities of entitlement areas.* (1) *Functions.* Principal functions of an entitlement area include:

(i) Analyzing criminal and juvenile justice problems of the area;

(ii) Setting priorities based on the analysis;

(iii) Preparing and submitting to the State a single, three year application, and any amendments thereto, in conformance with the specifications of this Guideline and other applicable Federal and State laws and regulations;

(iv) Providing for accounting, auditing, monitoring and evaluation of programs and projects;

(v) Preparing and submitting to the State Council an annual performance report, including an assessment of impact, and maintaining and providing such other information as may be required by Federal law or regulation;

(vi) Assuring legal and financial responsibility for compliance with the Federal and State laws and regulations regarding the use of Part D funds. All Federal requirements, conditions and assurances are made applicable not only to the State but to the participating local units of government.

(2) *Establishment of Office.* The chief executive of an entitlement jurisdiction shall create or designate an office to carry out the above activities. In the case of a combination, this office shall be created jointly in a manner agreed to by the chief executives of each member local unit of government.

(c) *Establishment of Advisory Board (CJAB).* A local criminal justice advisory board shall be created or designated by and subject to the jurisdiction of the chief executive of the locality. In the case of a combination, the board shall be created or designated jointly in a manner agreed to by the participating jurisdictions.

(1) *Membership.* (i) The chief executive of the local government shall appoint the members of the board and name the chairman. In the case of a combination, the membership of the board shall be appointed jointly in such manner as agreed to by the participating jurisdictions.

(ii) The membership of the board shall be broadly representative of the various components of the criminal and juvenile justice system and shall include representatives of neighborhood, community-based and professional organizations.

(A) LEAA shall consider the criminal and juvenile justice responsibilities of the locality or combination to determine whether that function is fairly and adequately represented on the local board;

(B) Community and neighborhood organizations shall mean organizations that are comprised of an operated by community or neighborhood residents and that serve identifiable geographic areas within the locality or localities. A representative of the general public or of neighborhood and community-based organizations shall not be a full-time government employee or elected government official.

(iii) Where a general purpose regional planning unit is designated to act on behalf of an eligible combination of local governments, and the governing body of the planning unit does not meet the representation requirements of a local criminal justice advisory board, and advisory group consisting of the missing elements may be established. In determining compliance with the representation requirements, the totality of governing and advisory board membership will be taken into account only if the advisory body has direct access to the governing body.

(2) *Board Functions.* At a minimum, local criminal justice advisory boards are responsible for analyzing criminal justice problems, recommending priorities based on the analysis, advising the chief executive of the jurisdiction on applications for entitlement grants and assuring adequate allocations of funds for courts and corrections programs. Decisions made by the board shall be advisory only and may be reviewed and either accepted or rejected by the chief executive of the jurisdiction, or in the case of a combination in such manner as the chief executive of each local government shall agree to.

(d) *Transition.* Regional and local criminal justice planning units established pursuant to the Omnibus Crime Control and Safe Streets Act may carry out the functions, powers and duties of local offices and boards specified in this section provided that:

(1) Within two years of the effective date of the Justice System Improvement Act, they meet the membership representation requirements set forth in § 31.102(c) above and during this transition period, they comply with the

representative membership requirements of Sec. 203(a) of the Crime Control Act. Newly created local advisory boards must meet the JSIA representation requirements immediately.

(2) They are designated or established by local government and the members of the board are appointed by the chief executive of the locality or jointly by the chief executives of the participating jurisdictions.

(e) *Assurance.* Entitlement areas must assure that they have on file and available for review: a copy of the document that formally establishes the CJAB, and, in the case of combination, a copy of the agreement among the members of the combination; and a list of the Board membership that will document compliance with the representation requirements. No written intergovermental agreement is required from those jursidictions under 10,000 population within the entitlement area where those jursidictions do not contribute to the amount of formula monies received by the entitlement.

§ 31.103 Other local governments ("Balance of State").

(a) All other local units of government either not eligible for or not electing for entitlement status, are eligible to apply for and receive Part D grants, but are not guaranteed by statute a specific portion of funds. These areas compete for grants from the "balance-of-State" discretionary fund described in § 31.201 and reserved for the use of "balance-of-State" localities.

(b) Balance-of-State jursidictions have the following responsibilities:

(1) Providing information and data for the State's analysis of crime and delinquency problems and criminal and juvenile justice needs;

(2) Preparing and submitting to the State in a manner and form prescribed by the State, applications in conformance with statewide priorities, and Federal and State laws and regulations;

(3) Implementing projects based on applications approved by the State Council.

(4) Reporting to the State Council on project performance.

(5) Complying with other Federal and State requirements.

Subpart C—Allocation and Uses of Funds

§ 31.200 General.

This subpart describes the distribution of Par D formula grant monies under the Justice System Improvement Act (JSIA) and the eligible uses of Part D funds.

§ 31.201 Fund availability.

The Justice System Improvement Act provides for a formula distribution of monies first among all the States, and secondly between State and local governments within each State.

(a) *Allocation to State Areas.* The allocation to each State area includes the total amount of Part D funds allocated to the State for use by the state and local governments. Sec. 405 of the JSIA provides that each State receive a base amount of $300,000 with the remaining funds allocated by one of two formulas, whichever results in the larger award:

(1) *Track 1.* This formula is intended to channel assistance to States where criminal justice need and effort are greatest. Funds are allocated on the basis of the State's share of population, index crime, criminal justice expenditure, and tax effort. No State, however, may receive more than 110 percent of what it would receive under Track 2.

(2) *Track 2.* This formula is intended to insure that no State receives less than it would have under the Crime Control Act. It allocates funds to the States according to population. If the total amount appropriated for Part D is less than the total block grant appropriation for Parts C and E of the Crime Control Act in FY 1979, Part D funds shall be allocated among the States by the Track 2 formula only. Funds for the Virgin Islands, Guam, American Samoa, the Trust Territory, and Northern Mariana Islands are distributed by population formula only.

(3) If the allocation of funds under the Track 1 formula results in a total greater than the appropriated amount, additional funds shall be allocated by LEAA form Part E (National Priority Grants) or Part F (Discretionary Grants). Part E or F funds allocated in this manner must be used for purposes consistent with Parts E or F.

(b) *Allocation of funds within the State.* After funds are allocated among the States, they are further distributed by formula within the State for use by the State, entitlement areas, and balance-of-State areas.

(1) Seventy (70) percent is distributed to the State and to local governments based on their share of total State and local criminal justice expenditures. The remaining 30 percent is distributed according to a formula set forth in Sec. 405(a)(3)(B) that has the effect of reweighting a portion of expenditures by criminal justice function so as to give added emphasis to courts and corrections.

(2) Entitlement areas receive specific allocations of Part D funds based on the above formula for sub-state distribution.

(3) All other localities either ineligible for or not choosing to accept entitlement status, compete for the remaining amount of funds earmarked for local use. These monies are set aside in a special "balance of State" discretionary fund for allocation by the State Council to these local governments. Entitlement areas are not eligible for grants from this fund. If there are no entitlement areas in a state, the amount of balance-of-State funds consists of the total amount available for local use.

(4) State agencies, including the Judicial Coordinating Committee, compete for those monies set aside for state use. A State may also provide additional funding for entitlement and balance-of-State areas from its allocation.

(5) Balance-of-State jurisdictions may waive all or a portion of the funds reserved for their use back to the State Council. The State Council shall formally notify balance of State jurisdictions of its intent to seek such a waiver and provide a reasonable opportunity for these jurisdictions to submit comments indicating agreement or disagreement with the request. The State Council's request along with comments received shall be submitted in writing to LEAA for its approval. LEAA shall approve such requests only where there is strong evidence that the balance of State jurisdictions concur and that the State Council will use the funds in ways that will benefit these localities. It is expected that requests will be submitted only on a limited basis and under exceptional circumstances.

(6) Entitlement jurisdictions may waive a portion of their funds to the State Council for its use where mutually agreed to by the State and the entitlement.

§ 31.202 Funds for administrative uses.

Limitations are placed on the amount of Part D funds that may be used to support the administrative operations of State Councils, Judicial Coordinating Committees, or local entitlement areas.

(a) *States.* (1) Of the total Part D funds allocated for use by the State and by balance-of-State localities, $250,000 may be used by the State to pay for its administrative costs without a requirement for match.

(2) In addition, each State may use up to 7.5 percent of the Part D funds reserved for use by the State and balance-of-State areas for

administrative purposes, provided that such funds are matched dollar for dollar.

(3) The total funds available to the State for administrative purposes ($250,000 match free plus 7.5 percent of the Part D funds for State and "balance-of-State" use matched dollar for dollar) shall be contributed from the formula allocations for State and "balance-of-State" in the same proportion as these allocations bear to each other.

(4) The State may, at its discretion, allocate a portion of these administrative monies to balance-of-State areas.

(b) *Judicial Coordinating Council.* (1) At least $50,000 of the $250,000 in match free administrative funds available for State use shall be made available by the State to support the Judicial Coordinating Council (JCC). If a JCC does not exist or chooses not to receive its allocation, up to $50,000 may be retained by the State Council for purposes of providing court-related administrative functions.

(2) In addition, a JCC where it administers formula grant programs or projects and must meet requirements for fund accounting, auditing, monitoring and evaluation, may use up to 7.5 percent of the total Part D funds awarded to the JCC for administrative purposes provided that these monies are matched dollar for dollar.

(c) *Entitlement areas.* (1) Entitlement jurisdictions may use up to 7.5 percent of their total Part D allocation for administration. Up to $25,000 of this amount shall be match free, while all Part D monies for administration above this amount must be matched dollar for dollar.

(2) If an entitlement area is a combination of units of local government, up to 7.5 percent of the total Part D allocation for the combination may be used for administration. The match free portion of this total shall be equal to the sum of match free monies that would otherwise be available to each jurisdiction individually.

(c) Funds not used for administration, may be used for action program purposes.

§ 31.203 Match on action program funds.

(a) Part D monies may be used to pay up to 90 percent of the cost of a program or project. The remaining non-Federal share shall be provided in cash.

(b) The requirement for a minimum non-Federal matching share of ten percent may be waived by the Administration under the following conditions:

(1) The recipient is an Indian tribe or other aboriginal group that does not have sufficient funds to provide the required match.

(i) Requests for a waiver of matching funds from Indian tribes or other aboriginal groups must be supported by a formal letter of certification stipulating that match cannot be provided due to insufficient funds. This certification must be executed in name and title by the recognized leader of the applicant group.

(ii) The Administration may delegate the authority to grant waivers to some or all of the Indian tribes or aboriginal groups in a State to the State Council.

(2) The recipient is a unit of State or local government that, due to budgetary constraints, is unable to provide the required match.

(i) Requests for waiver of match must be submitted in writing to the Administration. Local government requests must be submitted through the State Council and include the Council's comments and recommendations. Requests shall be considered on a jurisdiction by jurisdiction basis. If approved, the waiver of the match requirement shall apply for all projects and programs supported with JSIA formula grant monies in that jurisdiction over the period covered by the approved comprehensive State application.

(ii) Waivers shall be considered only under exceptional circumstances and where there is convincing evidence that the match requirement would impose a financial hardship on the jurisdiction. Such evidence shall include:

(A) Documentation that efforts have been made as part of the normal budgetary process to obtain the required match and that the denial of funds was due to lack of resources.

(B) Documentation that the jurisdiction is under severe fiscal stress and is significantly disadvantaged relative to other jurisdictions. Such documentation shall include:

(*1*) The jurisdictions tax effort (taxes as a percent of resident personal income)

(*2*) The amount of unencumbered budget surplus and the percent of the jurisdiction's budget any such surplus represents. Generally, no request for a waiver will be favorably considered where a surplus exceeds one percent of the jurisdiction's budget

(*3*) The rate of unemployment within the jurisdiction as compared to the national average

(*4*) Reduced service levels within the jurisdiction as indicated by cutbacks in expenditures and employees.

(*5*) Other such evidence as the jurisdiction may choose to submit.

§ 31.204 Purposes of Part D formula grants.

Section 401(a) of the Justice System Improvement Act requires that formula grant monies be used to support specific innovative programs of proven effectiveness, having a record of proven success, or which offer a high probability of improving the functioning of the criminal justice system. Section 401(a) further requires that grant funds be expended in statutorily specified program areas. This paragraph sets forth criteria for determining whether programs and projects are eligible for Part D formula grant support.

(a) *Section 401(a)* requires that Part D funds be used for innovative programs. "Innovative" shall be interpreted to mean programs or projects that are not routine or generally accepted activities within the recipient jurisdiction which normally would be supported with State or local funds.

(b) *Effective Programs.* All programs for which Part D funding is requested must meet one of the following three criteria:

(1) *Proven effectiveness.* "Proven effectivness" means that a program has been shown by evaluation or by analysis of performance and results to make a significant contribution to the accomplishment of the objective for which it was undertaken or to have a significant effect in improving the condition or problem to which it was addressed. "Proven effectiveness" is the most rigorous of the three criteria. It requires that a cause and effect relationship be demonstrated between the activities undertaken and the results achieved. However, it does not require proof of sole responsibility for the changes that occur or precise measurement of the amount of change attributable to the program.

(2) *Record of proven success.* "Record of proven success" means that a program has been shown by evaluation or by analysis of performance data and other pertinent information to be successful in meeting its objectives or improving the problem or condition to which it was addressed. Such success must have been demonstrated in a minimum of three jurisdictions for at least one year or, if in fewer than three jurisdictions, for a period of at least two years of program operations. "Record of proven success" is less demanding than "proven effectiveness." Under this criterion, there must be convincing evidence that a program makes a direct and substantial contribution to improved performance, although there need not be proof of its longer-term results and impact nor impirical evidence of a cause and effect

relationship between the activities undertaken and the results achieved.

(3) *High probability of improving the criminal justice system.* "High probability of improving the criminal justice system" is the criterion that allows the development of experimental or innovative programs. It requires evidence that the proposed activities are likely to result in significant improvement in the criminal justice system. This evidence must be based on a prudent assessment of the program concept and implementation plan, and the problem to which it is addressed. The proposed program should evidence a high probability that it will establish a "record of proven success" or be "proven effective" (as these terms are used above) in the future.

(4) *Designation of effective programs.* (i) LEAA and OJARS shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, and State and local governments, identify specific programs which meet the criteria of "proven effectiveness" or "record of proven success," and which fall within one or more of the eligible program areas set forth in Sec. 401(a) of the JSIA. This list shall be published by LEAA in order to serve as an aid to State and local governments and shall not be construed to be an exhaustive lising of such programs.

(ii) OJARS and LEAA shall, after consultation with the NIJ, BJS and State and local governments, also designate jointly programs that have been shown to be effective or to have a likely beneficial impact on criminal justice through research and evaluation and that are eligible for National Priority Grant funding. Where Part D funds are to be used to match one of these priority programs, the formula grant application must so indicate.

(c) *Eligible program areas.* Section 401(a) lists the program purposes for which Part D formula grant funds may be used. These include:

(1) Establishing or expanding community and neighborhood programs that enable citizens to undertake initiatives to deal with crime and delinquency;

(2) Improving and strengthening law enforcement agencies, as measured by arrest rates, incidence rates, victimization rates, the number of reported crimes, clearances rates, the number of patrol or investigative hours per uniformed officer, or any other appropriate objective measures;

(3) Improving the police utilization of community resources through support of joint police-community projects designed to prevent or control neighborhood crime;

(4) Disrupting illicit commerce in stolen goods and property and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime;

(5) Combating arson;

(6) Developing investigations and prosecutions of white collar crime, organized crime, public corruption related offenses, and fraud against the government;

(7) Reducing the time between arrest or indictment and disposition of trial;

(8) Implementing court reforms;

(9) Increasing the use and development of alternatives to the prosecution of selected offenders;

(10) Increasing the development and use of alternatives to pretrial detention that assure return to court and a minimization of the risk of danger;

(11) Increasing the rate at which prosecutors obtain convictions against habitual nonstatus offenders;

(12) Developing and implementing programs which provide assistance to victims, witnesses, and jurors, including restitution by the offender, programs encouraging victim and witness participation in the criminal justice system, and programs designed to prevent retribution against or intimidation of witnesses by persons charged with or convicted of crimes;

(13) Providing competent defense counsel for indigent and eligible low-income persons accused of criminal offenses;

(14) Developing projects to identify and meet the needs of drug dependent offenders;

(15) Increasing the availability and use of alternatives to maximum security confinement of convicted offenders who pose no threat to public safety;

(16) Reducing the rates of violence among inmates in places of detention and confinement;

(17) Improving conditions of detention and confinement in adult and juvenile correctional institutions, as measured by the number of such institutions administering programs meeting accepted standards;

(18) Training criminal justice personnel in programs meeting standards recognized by the Administrator of LEAA and issued after a period for public comment in the Federal Register;

(19) Revision and recodification by States and units of local government of criminal statutes, rules, and procedures and revision of statutes, rules and regulations governing state and local criminal and juvenile justice agencies;

(20) Coordinating the various components of the criminal justice system to improve the overall operation of the system, establishing criminal justice information systems, and supporting the training of criminal and juvenile justice personnel;

(21) Develop statistical and evaluative systems in States and units of local government which assist the measurement of indicators in each of the areas described in paragraphs (c) (1) through (20) of this section;

(22) Encouraging the development of pilot and demonstration projects for prison industry programs at the state level with particular emphasis on involving private sector enterprise either as a direct participant in such programs, or as purchasers of goods produced through such programs, and aimed at making inmates self-sufficient, to the extent practicable, in a realistic working environment;

(23) Any other program that is of proven effectiveness, has a record of proven success, or offers a high probability of improving significantly the criminal justice system.

(d) *Funds for evaluation, coordination, statistical systems and technical assistance.* Under the Justice System Improvement Act, evaluation, coordination, and statistical systems are eligible program areas for formula grant funding, provided that they meet the standards of proven effectiveness, record of proven success, or high probability of significant improvement. Coordination of the various components of the criminal justice system is specifically authorized in Sec. 401(a)(20); statistical and evaluative systems are provided for in Sec. 401(a)(21). Technical assistance, where it relates to one of the 23 eligible program areas and meets one of the three standards of effectiveness, is also an eligible activity for support with Part D program funds. Administrative monies may also be used to support coordination, evaluation, statistical systems and technical assistance.

§ 31.205 Limitations on fund use.

In order to insure the most efficient and effective use of grant funds, the Justice System Improvement Act of 1979 places restrictions on the award of Part D formula monies for routine equipment and personnel costs, construction, and projects and programs that have been found to have a low probability of improving the functioning of the criminal and juvenile justice system.

(a) *Routine purchases of equipment and hardware.* The purchase of

equipment and hardware with Part D funds is prohibited *unless* the purchase or acquisition is an incidental and necesssary element of a program of proven effectiveness, having a record of proven success, or offering high probability of significantly improving the functioning of the criminal justice system.

(1) Projects which have as their sole or primary purpose the purchase or acquisition of equipment or hardware to augment or replace that used in normal operating agency activities are prohibited. In determining whether or not the acquisition represents a normal expenditure by the applicant, LEAA (in its review of a state application) and the State Council (in its review of applications from eligible local jurisdictions), shall take into consideration the jurisdiction's prior funding from any source for substantially similar hardware or equipment.

(2) The purchase of equipment for operational information and telecommunications system is allowable where such purchase is part of a program of proven effectiveness, having a record of proven success, or offering a high probability of significantly improving the functioning of the criminal justice system.

(b) *General salaries and personnel costs.* Payment of personnel costs with Part D grant funds is prohibited *unless* the costs are an incidental and necessary part of a program of proven effectiveness, having a record of proven success, or offering a high probability of significantly improving the functioning of the criminal justice system. Projects which have as their primary purpose the payment of usual salaries paid to employees generally or to specific classes of employees within a jurisdiction, are prohibited.

Notwithstanding the above, Part D grant funds may be used to provide incentive increases to criminal justice personnel for such activities as educational achievement, to compensate personnel conducting or undergoing training, and to make personnel payments incidental and necessary to an improvement program funded pursuant to Sec. 401(a).

(c) *Construction.* Construction projects are prohibited. Construction means the erection, acquisition or expansion of new or existing buildings or other physical facilities but does not include renovation, repairs, or remodeling.

(1) The limitation on funding construction projects does not preclude the use of Part D funds for renovation, repairs or remodeling where such activities are incidental and necessary parts of an improvement program funded pursuant to Sec. 401(a).

(2) Any construction projects which were funded under Title I of the Omnibus Crime Control and Safe Streets Act prior to the effective date of the Justice System Improvement Act and which anticipated additional funding, may be continued for up to two years.

(d) *Ineffective programs.* Programs that have been found based on evaluations by the National Institute of Justice, Law Enforcement Assistance Administration, Bureau of Justice Statistics, State or local agencies, and other public or private organizations, to offer a low probability of significantly improving the functioning of the criminal and juvenile justice system, are prohibited. Programs that are ineligible for Part D funding on this basis shall be identified by notice in the Federal Register after an opportunity for public review and comment. An initial list of ineligible programs shall be published by February 1980, and shall be amended periodically thereafter.

(e) *Non-supplantation.* Formula grants funds shall not be used to supplant State or local funds. Pursuant to Sec. 403(a)(4), applicants shall certify that formula grant monies will be used to increase the amounts of such funds that would, in the absence of Federal aid, be made available for criminal justice activities.

Subpart D—Application Content

§ 31.300 Application content.

This subpart sets forth the required programmatic content of formula grant applications under the Justice System Improvement Act (JSIA).

(a) *Purpose of the application.* Section 403 of the JSIA requires States to submit for LEAA approval a comprehensive State application which meets the requirements of the Act. Applications by the State to LEAA must set forth programs covering a three-year period which meet the objectives of Section 401(a). Applications must be amended annually if new programs are to be added or if programs contained in the approved application are not implemented. Application forms and additional information are provided in LEAA's "Application Handbook for Formula Grants." Section 403 further requires that applications include an analysis of crime problems and criminal justice needs; a description of the services to be provided and performance goals and priorities, including a statement of how the programs are expected to meet the objectives of Section 401 and the identified crime problems and criminal justice needs of the jurisdiction; and an indication of how the programs relates to similar State and local programs. In short, the comprehensive State application sets out the priority problems that have been identified and defined, and the programs that will be implemented to deal with these problems over a three-year period.

(b) *Identification of priority problems.* (1) *Analysis.* (i) State Councils shall conduct an analysis of crime and delinquency problems and criminal and juvenile justice needs within the State. The State's analysis must be based upon input and data from all eligible jurisdictions, State agencies, the judicial coordinating committee, and citizen and neighborhood and community groups. It must address the problems and needs of all components of the criminal and juvenile justice system, and provide a clear and logical basis for the priority problems and programs set forth in the comprehensive State application.

(ii) Entitlement localities shall also conduct an analysis of the crime and delinquency problems and criminal and juvenile justice needs within their jurisdictions. This analysis must be based upon input from all participating local governments and citizen and neighborhood and community groups. The entitlement analysis must address at a minimum the problems and needs of those aspects of the criminal justice system for which it has responsibility, and provide a clear and logical basis for the priority problems and programs set forth in the entitlement application.

(iii) The product of the analysis is a series of brief written problem statements set forth in the application for those problems that are priorities and for which programs are proposed.

(2) *Priorities.* Priorities are problems that have been identified by analysis and ranked in terms of their importance or emphasis. As part of the application process, they are used to indicate those problem areas of greatest concern and to provide guidance for the submission of applications from State agencies, local governments, and non-profit organizations.

(i) *Statewide priorities.* (A) State Councils are required to establish priorities based on their analysis and to publish and make them available to affected criminal and juvenile justice agencies, citizen and community and neighborhood organizations, and local governments at least three months prior to the time for application submission to the State.

(B) Judicial Coordinating Committees, where they exist, shall establish statewide priorities for the courts which shall be submitted to the State Council

for its consideration in establishing overall statewide priorities.

(C) Failure of the State Council to publish and make available statewide priorities three months prior to the time for application submission to the in the previous approved comprehensive State Plan under the Crime Control Act of 1976 are in effect for purpose of application development by state agencies and non-entitlement areas, and that the priorities developed by entitlement areas are approved as proposed.

(ii) *Entitlement area priorities.* (A) Priorities established by entitlement jurisdictions are to be consistent with State priorities unless good cause for inconsistency can be shown by analysis of local needs (see § 31.401).

(B) Inconsistency is defined here as the inclusion of a priority not established and published by the State Council or the inclusion of a priority substantively in conflict with a priority established by the Council.

(3) *Product.* (i) The product of the analysis is a series of brief written statements set forth in the application that define and describe the priority problems. These statements are to be organized by the 23 eligible Section 401 purposes or by any other scheme and cross-referenced to these purposes.

(ii) A problem statement, as used herein, is defined as a written presentation which comprehensively describes the magnitude, seriousness, rate of change, persons affected, and spatial and temporal aspects of a problem using qualitative and quantitative information. It identifies the nature, extent, and effect of system response, makes projections based on historical inferences and rigorously attempts to establish the origins of the problem.

(4) *Assurance:* State Councils must assure that they have on file and available for review a written description of the process by which the analysis was conducted and priorities were established, published and made available. This description must be of sufficient detail to document compliance with the criteria and requirements of this section.

(c) *Programs.* Applications are to include descriptions of programs to be supported over the three-year period with Justice System Improvement Act formula grant funds. For States participating in the Juvenile Justice and Delinquency Prevention Act formula grant program, the comprehensive State application may include programs proposed pursuant to that Act. Juvenile Justice Act requirements are described in subpart H.

(1) *Organization of programs.* Programs are groupings of projects with similar program designs and objectives. Programs are to be set forth in the comprehensive State application according to the 23 Section 401 purposes or by any other scheme and cross-referenced to those purposes.

(2) *Restrictions on funding.* Subpart C, § 31.205 defines the limitations on fund use for routine equipment, personnel costs, and construction and for programs and projects that have been found to have a low probability of improving the functioning of the criminal and juvenile justice system. These restrictions must be taken into account when developing programs for inclusion in the three-year application.

(3) *Incorporation of entitlement area and judicial coordinating committee applications.* State Councils must incorporate approved applications of entitlement areas and the judicial coordinating committee in their three-year comprehensive State application submitted to LEAA. Program descriptions submitted by these applicants shall follow the same format described below and used by the State Council. These program descriptions may either be directly incorporated into the State Council application, or the State Council may set forth program descriptions reflecting a statewide overview of activities for each program area, with an indication of which jurisdictions and agencies are implementing the activities.

(4) *Non-entitlement and State agency applications.* State Councils may, at their discretion, incorporate in the comprehensive State application submitted to LEAA, applications from non-entitlements and State agencies for specific projects, or they may set forth programs for which State agencies and non-entitlements may submit applications at a later date.

(5) *LEAA list of effective programs.* LEAA will publish a list of programs of proven effectiveness and programs having a record of proven success, including programs which have been designated for National Priority Grant (Part E) funding. If any of these programs are chosen by the State Council, entitlement areas or the judicial coordinating committee, only a reference to such programs need to be made in responding to paragraph (c)(6)(ii) and (A) and (B) and (iii) of this section, along with an assurance that such models or designs provided by LEAA will form the basis for the implementation of the proposed program.

(6) *Program description.* Descriptions should not be more than three or four pages in length, but this will vary from short descriptions when a program is chosen from the LEAA list of effective programs to lengthier descriptions when the State Council must justify why a program will have a high probability of significant improvement. Each item must be addressed for all programs:

(i) *Title.* Short title of program.

(ii) *Description of program. (A) Program objectives.* Objectives are specific descriptive statements of the expected program performance and its impact on the identified problem. These must be quantified where possible and must be related to the measures used to describe the problem in the problem statement.

(B) *Activities planned and services provided.* This part of the program description must indicate what agencies will implement the program, where and when the activites will take place, what services will be provided, and who will benefit from the services.

(C) *Budget.* Total Federal funds requested from Part D and JJDP allocations must be presented, along with any expected state, local or private funds. In addition, indicate if Part E National Priority Program funds will be applied for. Indicate the number of subgrants and the dollar range, as well as anticipated subgrantees (if known). Provide budget estimates for the program for each year of the three year application period. Once Congressional appropriations are final, specific budget figures shall be submitted which shall provide the basis for determining compliance with adequate share and juvenile justice maintenance of effort requirements.

(D) *Relationship to similar State or local programs.* The program description must indicate how the program relates to and is coordinated with any ongoing or anticipated state and local programs of other agencies or organizations, regardless of fund source or level of government.

(iii) *Explanation of how program meets criteria of proven effectiveness, proven success, or high probability of improving the functioning of the criminal and juvenile justice systems.* All programs must meet one of the above criteria, each of which is further defined in § 31.204 of these regulations. If a program has been included on the LEAA eligible list of programs of proven effectiveness or proven success, then a reference to that list is all that is required. For programs not included on the list, the State Council must submit one of the following justifications in support of the program.

(A) *Proven effectiveness.* An evaluation summary or performance

analysis which shows the program has made a significant contribution to the accomplishment of the objectives for which is was undertaken or has had a significant effect on the problem which it addressed.

(B) *Record of proven success.* An evaluation summary or performance analysis which shows the program has been successful in meeting its objectives or in improving the problem condition it addressed for at least two years of program operation or for at least one year in a minimum of three jurisdictions.

(C) *High probability of significant improvement.* An explanation must be given of how and why the concepts, planned activities and program logic will impact on the identified problem and result in significant and identifiable improvements in the criminal and juvenile system.

(iv) *Performance indicators.* A list of performance indicators must be developed and set forth for each program. These indicators show what data will be collected at the project level to measure whether objectives and performance goals have been achieved and should relate to the measures used in the problem statement and statement of program objectives. Such data will be used by applicants in preparing their annual performance reports. the list of indicators must be consistent with, although need not be limited to, those set forth in LEAA Guidelines for Performance Reporting (to be developed).

(d) *Format.* Exhibit 1 shows the standard format for setting forth priority problems and programs in the comprehensive State application.

EXHIBIT I—Standard format for Comprehensive State Application

Area: Key to purposes set forth in Section 401(a)

Problem statement: Statement of problem, including an indication of its priority

Program: Description of program developed to deal with the problem stated above

1. Title
2. Description
   a. Objectives
   b. Activities Planned
   c. Budget
   d. Relationship to Similar Programs
3. Explanation of Adherence with Effectiveness Criteria
4. Performance Indicators

Note.—there may be more than one problem statement for each area. Similarly, there may be more than one program for each priority problem.

Subpart E—Submission and Review of Applications

§ 31.400 General.

This subpart describes the process by which applications and amendments from entitlement jurisdictions, balance-of-State localities, State agencies, and the Judicial Coordinating Committee are submitted to, reviewed and approved by the State Criminal Justice Council. It also sets forth the process and criteria for LEAA review and approval of comprehensive State applications and amendments.

§ 31.401 Entitlement area applications.

(a) Local jurisdictions which are eligible to receive entitlement grants and which choose to do so submit applications and amendments to the State Council in conformance with Federal regulations and State uniform administrative requirements. Each entitlement area submits a single application to the State Council covering all programs to be conducted over a three-year period with its share of Part D monies.

(b) States may establish uniform and reasonable application submission dates for entitlement areas, as well as such other uniform administrative requirements as are necessary and consistent with Federal requirements and State law. Failure of an entitlement area to submit an application within the deadline set by the State Council and to show good cause for such failure, may be considered by the State Council as a decision by the entitlement to compete for "balance-of-State" funds and to forego its entitlement status.

(c) Prior to submission to the State Council, the entitlement application or amendment shall be made public and an opportunity provided to the general public, including citizen and neighborhood and community groups, within the entitlement area to comment on the priorities and programs proposed.

(d) Concurrently with or prior to submission to the State Council, the entitlement area shall submit its application to the appropriate regional clearinghouse for review in accordance with the requirements of Office of Management and Budget Circular A-95. No additional project review through the A-95 process is required. State Councils shall assure that no final action on the entitlement application is taken until the requirements of A-95 have been met.

(e) The application or amendment for Part D funds is considered approved by the State Council unless the Council notifies the entitlement in writing within ninety (90) days of receipt of the application that the application in whole or in part:

(1) Does not comply with Federal requirements or state law or regulations promulgated in accord with the State's normal regulatory process and necessary and consistent with Federal requirements or State law.

(2) Is consistent with statewide priorities and fails to establish good cause for such inconsistency.

(i) Inconsistency is defined as the inclusion of a priority not established and published by the State Council or the inclusion of a priority substantively in conflict with a priority established by the Council. Priorities of the entitlement have a presumptive finality unless the State Council can show that the priorities are inconsistent with statewide priorities.

(ii) If the State shows that the priorities are inconsistent, the entitlement area must provide evidence of good cause for inconsistency based on its analysis of the crime and criminal justice problems and needs of its jurisdiction.

(iii) Evidence of good cause for inconsistency shall include:

(*A*) Comparative statistics that indicate that the problem or need is of proportionately greater magnitude and impact in the entitlement jurisdiction than in other areas of the State;

(*B*) A demonstration that there is not available elsewhere in the State an accessible and more cost-effective resource for meeting the need; and

(*C*) documentation that the inconsistency in priorities will not adversely affect the implementation of statewide policies and programs authorized by the Governor and/or the State legislature.

(3) Conflicts with or duplicates other programs.

(4) Proposes a program or project that is substantially similar to or is a continuation of a program or project which has been evaluated and found to be ineffective and has been formally identified in the Federal Register. The Council may disapprove in whole or in part applications that propose the continuation of a program which, based on monitoring and evaluation reports, does not meet the criteria of proven effectiveness, record of proven success, or high probability of significant improvement as these terms are defined in § 31.204, for failure to comply with Federal requirements.

(f) *Written notice.* Where the Council does not approve the application or amendment in whole or in part, it shall notify the applicant in writing and set forth the reasons. The applicant may within 30 days of receipt of the written

findings of the Council submit a revised application or state in writing the applicant's reasons for disagreeing with the Council's finding. A revised application shall be treated as an original application except that the Council shall act on the revised application within 60 days.

(g) *Appeals.* (1) If an applicant states in writing its disagreement with the findings of the Council, the findings shall be considered appealed. The appeal shall be in accordance with a process developed by the Council and reviewed and agreed to by the entitlement jurisdiction prior to the time for application submissions to the Council.

(2) If a State and entitlement jurisdiction fail to agree on an appeals process, the procedure proposed by the Council accompanied by the entitlement jurisdiction's comments shall be submitted to LEAA for its review. In its review, LEAA shall assure that the process provides that if the Council's action is not supported by clear and convincing evidence or if the Council has acted arbitrarily or capriciously, the Council shall be directed to reconsider or approve the application or amendment.

(i) LEAA will state its findings on the appeal process to the Council and to the entitlement jurisdictions, and set forth the reasons for the findings. LEAA shall direct the Council and the entitlement jurisdiction to reconcile the differences.

(ii) If the State and the entitlement jurisdiction are unable to reconcile their differences and agree to an appeals process within 60 days of the receipt of LEAA's written findings, LEAA shall impose a procedure based upon its findings.

(3) Once an appeals process has either been agreed, to or, in the case where agreement can not be reached, a process has been imposed by LEAA, the Council must follow the process for any appeal by an entitlement jurisdiction. The decision reached on an appeal is final, provided the Council followed the approved process.

(h) Entitlement applications approved by the Council are included in the comprehensive State application submitted to LEAA. Once the comprehensive State application is approved by LEAA, no further review of the application is required.

§ 31.402 Balance of State and State agency applications.

(1) Other local governments which are not eligible for or do not accept entitlement status and State agencies, submit applications and amendments to the State Council in a manner and form prescribed by the Council.

(b) Section 402(b)(4) and Sec. 402(e)(1) of the JSIA require that the application or amendment shall be considered approved by the Council unless the Council notifies the applicant in writing within 90 days of receipt of the application that the application in whole or in part:

(1) Does not comply with Federal requirements or State law regulations;

(2) Is inconsistent with statewide priorities, policy, organizational or procedural arrangements, or the State's crime analysis;

(3) Conflicts with or duplicates other programs;

(4) Proposes a program or project that is substantially similar to or is a continuation of a program or project which has been evaluated and found to be ineffective.

(i) The Council shall disapprove an application that proposes a program or project that has been evaluated and found to be ineffective and has been formally identified by LEAA by notice in the Federal Register.

(ii) The Council may disapprove an application to continue a particular project where monitoring or evaluation indicate that the project is not operating efficiently or effectively, meeting its objectives, or complying with the terms and conditions of its grant.

(iii) The Council may also disapprove the funding of a program which, based on intensive evaluation, has been found by the Council to offer a low probability of success.

(c) *Written notice.* The Council shall notify the applicant in writing of its finding and shall specify the reasons for it. The Council may deny funding or recommend appropriate changes. Disapproval of any application in whole or in part shall not prejudice consideration of the application when it is submitted to the Council at a later date.

(d) *Appeals.* Appeal of the Council's action shall be in accord with procedures established by the Council for such matters. The written notice to the applicant must explain the steps necessary for appeal.

§ 31.403 Judicial Coordinating Committee applications.

(a) Judicial Coordination Committees (JCC) shall submit to the State Council a single application covering all programs to be administered by the JCC over a three year period with Part D monies for improving the functioning of the courts and judicial agencies of the State.

(b) Section 402(d) and Sec. 402(e) of the JSIA provide that the application or amendment shall be considered approved by the Council and incorporated into the comprehensive State application in whole or in part, unless the Council notifies the JCC within 90 days of receipt that the application:

(1) Is not in accord with Federal or State law or regulation;

(2) Is inconsistent with the State's application; and

(3) Does not conform to fiscal accountability standards.

(c) JCC applications approved by the Council are included in the comprehensive State application submitted to LEAA. Once the comprehensive State application is approved, no further review of the JCC application is required.

(d) Where the Council disapproves a JCC application in whole or in part, it shall notify the JCC in writing of its finding and specify the reasons for it. Appeal of the Council's action shall be in accordance with procedures established by the Council for appeals from non-entitlement localities and State agencies.

§ 31.404 JCC review of applications for courts programs.

(a) Any application or amendment submitted to the State Council for improving the courts shall be reviewed by the JCC prior to final Council action. The JCC shall review these applications or amendments for consistency with the court priorities and report to the Council and to the applicant its findings of consistency or inconsistency.

(b) Jurisdictions proposing court-related programs are encouraged to consult with the JCC prior to the formal submission of applications to the State Council in order to assure adequate coordination of courts activities.

§ 31.405 Comprehensive State application.

(a) The State Council prepares a comprehensive State application covering all programs to be conducted over the three year application period with the total State allocation of Part D monies. The comprehensive State application incorporates the approved applications submitted by entitlement areas and the JCC and sets forth programs for State agencies and balance of State jurisdictions.

(b) Prior to submission to LEAA, the comprehensive State application or amendment shall be made public and an opportunity provided to the general public, including citizen and neighborhood and community groups, to comment on the priorities and programs proposed.

(1) State Councils shall, as part of the comprehensive State application or amendment, describe the methods and procedures used to assure public notification and opportunity for comment on the proposed application or amendment. Such methods may include but are not necessarily limited to public hearings or publication of a summary in one or more newspapers of general circulation. Methods used by the State Council must reflect an affirmative effort to reach out to the public for review and comment.

(2) State Councils must further assure that they shall maintain records as to the number and nature of comments received, the type of organization commenting, and the Councils responses.

(c) Concurrently with or prior to submission to LEAA, the State Council shall submit the comprehensive State application or amendment to the State Clearinghouse for review in accordance with the requirements of Office Management and Budget Circular A-95. No additional subgrant or project application review through the A-95 process is necessary.

(d) Pursuant to Section 405(b), State Councils must provide the State Legislature an opportunity to review the general goals, policies and priorities of the State Council prior to their implementation, and assure that written procedures are on file and available for review governing the notification to the State Legislature, the opportunity for review, and the methods for obtaining and considering the comments of the Legislature. If the Legislature, or a body designated to act while the Legislature is not in session, has not reviewed the goals, policies and priorities within 45 days after receipt, they shall be considered to have been reviewed.

§ 31.406 LEAA review of State applications.

Comprehensive State applications which integrate the applications submitted to the State from local entitlement jurisdictions, the judicial coordinating committee, and other eligible grant recipients, must be submitted in the form and at the time prescribed by LEAA.

(a) *LEAA review criteria.* Section 404 provides the basis for LEAA review and approval or disapproval of State applications and amendments in whole or in part. These are:

(1) Compliance with the statutory requirements of the Justice System Improvement Act and, if applicable, the Juvenile Justice and Delinquency Prevention Act, as amended, and the regulations of the Law Enforcement Assistance Administration.

(2) A determination that prior to submission to LEAA the comprehensive State application was made public and an opportunity provided for comments by the general public, including citizen and neighborhood and community groups.

(3) A determination that the programs and projects contained in the application are likely to contribute effectively to the achievement of the program purposes set forth in Sec. 401(a) and to result in significant improvements in the criminal justice system.

(b) *Ninety Day Rule.* LEAA shall approve or disapprove applications or amendments within ninety (90) days of official receipt by LEAA. The application or amendment shall be considered approved unless LEAA informs the applicant in writing of specific reasons for disapproval prior to the expiration of the ninety day period. Applications that are substantially incomplete as determined by LEAA shall not be considered officially received for purposes of the ninety day rule.

(c) *Written notification and reasons for disapproval.* (1) LEAA shall notify the applicant in writing of the specific reasons for the disapproval of the application or amendment in whole or in part.

(2) LEAA shall also inform the applicant of its rights to appeal the decision and shall explain the hearing and appeal procedures to be followed in accordance with the Justice System Improvement Act and guidelines issued pursuant thereto.

Subpart F—Additional Requirements

§ 31.500 General.

This subpart sets forth additional requirements under the Justice System Improvement Act of 1979. Applicants for formula grants must assure compliance with each of these requirements.

§ 31.501 Assumption of costs.

Section 401(b) of the JSIA requires that grant recipients assume the costs of Part D improvement programs after a reasonable period of assistance unless the LEAA Administrator determines that the recipient is unable to assume such costs due to State or local budgetary constraints. The intent of this provision is to insure that Federal funds are used to initiate new improvement programs; and not to support normal State and local operating expenses.

(a) In order to encourage cost assumption of successful projects, State Councils and entitlement areas shall develop written policies that specify the duration and ratio of federal continuation support for particular classes of projects. State Council policies shall apply to the projects of State agencies (including the judicial coordinating committee) and balance-of-state localities. Entitlement jurisdiction policies shall apply to the projects they administer.

(b) The policies of the Council and the entitlement shall assure that Part D formula grant assistance for a project does not exceed three years except under the following circumstances:

(1) *Juvenile justice projects.* Juvenile justice and delinquency prevention projects funded with Part D monies may be continued for up to two (2) additional years if they have been evaluated and found to be effective, the project has demonstrated a good faith effort to obtain funding elsewhere and intends to continue such efforts over the period of the extension and discontinuation would have a negative impact on State and local juvenile-related activities.

(2) *Lack of funds.* Any improvement project may be continued for up to two (2) additional years if it has been found to be effective and if it has requested and been denied sufficient funds to continue minimum effective operations. The request must have been part of the normal budget process of the state or local government, and the denial must have been due solely to budgetary constraints.

(3) *Nature of project.* The requirement to assume project costs does not apply where the specific activities are of a non-recurring nature. Activities that normally would be exempted from the requirement include administration, technical assistance, evaluation, and training.

(c) State Councils and entitlement jurisdictions shall assure that they have developed written assumption of costs policies that are on file and available for review, and that potential recipients of formula grant funds are notified of these policies. They must further assure that where project support is to be provided for longer than three years, they have on file and available for review evidence that:

(1) The project is of proven effectiveness or has a record of proven success based on evaluation or performance reports; and

(2) Funding support has been requested as part of the normal State or local government budget process and the request was denied solely due to lack of sufficient funds to sustain project operations at the same or at a reduced level; or, in the case of juvenile justice

projects, a determined effort has and is being made to obtain other sources of funding, public or private. Such evidence must be available for each fiscal year in which the grant recipient claims that it is unable to assume the cost of the project.

§ 31.502 Adequate share.

Section 403(a)(5) of the JSIA requires that an adequate share of Part D formula grant monies shall be allocated to courts, corrections, police, prosecution, and defense programs. Further, Section 402(c)(4)(5) requires that entitlement jurisdictions assure adequate funding for courts and corrections programs, based on their share of courts and corrections expenditures.

(a) As part of the comprehensive State application, State Councils shall assure that an adequate share of Part D funds is available for courts, corrections, police, prosecution and defense programs. Adequate share shall be interpreted to mean that a reasonable portion of Part D monies is allocated annually to each of these components relative to their percentage of total State and local criminal justice expenditures, unless deviations are justified. Adequate share does not mean that any particular criminal justice component is entitled to a fixed portion of formula grant monies. In determining whether or not courts, corrections, police, prosecution and defense programs have received an adequate share of annual Part D allocations, LEAA shall consider the needs and problems identified by the State's analysis; the priorities of the State Council, JCC and local entitlements; previous and projected allocations of LEAA formula grant monies to these components and the need to remedy any past inequities; and actual or projected investments of State and local or other Federal resources. State Councils may establish such regulations as are necessary and consistent with this requirement in order to assure compliance.

(b) Entitlement jurisdictions shall also assure an adequate share of Part D monies for courts, corrections, police, prosecution and defense programs. Adequate share shall be interpreted to mean that a reasonable portion of Part D monies is allocated to each of these components relative to their percentage of the entitlement's total criminal justice expenditures, unless deviations are justified.

(c) Subsequent to final appropriations and at the time revised annual fiscal year budgets are submitted to LEAA, State Councils shall presnt evidence of compliance with this requirement including the amount and percent of Part D monies allocated to each of these componénts compared to their share of State and local criminal justice expenditures, with justification for any significant deviations between these ratios. Compliance shall be determined annually.

§ 31.503 Juvenile justice maintenance of effort.

States must expend at least 19.15 percent of their total annual Part D allocation under the JSIA for juvenile justice and delinquency prevention related programs and projects. States may expend more than this required minimum at their discretion. States must assure that at a minimum they have allocated 19.15 percent of their formula grant funds for planning and administrative activities for juvenile justice.

(a) State Councils must further assure that the minimum 19.15 percent of Part D funds spent for juvenile justice is expended primarily for programs for juveniles convicted of criminal offenses or adjudicated delinquent on the basis of an act which would be a criminal offense if committed by an adult (Sec. 1002 of the JSIA).

(b) The comprehensive State application must clearly identify those programs proposed for Part D funding which are in whole or in part related to juvenile justice and delinquency prevention and indicate the percent and amount of the total annual Part D allocation to be spent for juvenile justice.

(c) States may prorate portions of programs which are related to juvenile justice. The key concept in reviewing direct service programs and projects for maintenance of effort purposes should be whether activities to be undertaken under a program or project are targeted to or provide a specific and identifiable benefit to a juvenile population. For other non-service programs and projects the test is whether there is a direct and identifiable impact on the juvenile justice system. Thus, proration of projects for maintenance of effort purposes should be based, at a minimum, on an identification of specific, direct and identifiable activities which benefit a juvenile population or system component. Individual States are free to use strict or proration criteria.

(d) State Councils in order to meet the maintenance of effort requirement, may require that entitlement areas expend a reasonable share of entitlement Part D funds for juvenile justice programs. A determination of a reasonable share may be based upon the proportion juvenile justice expenditures bear to the entitlement jurisdiction(s) total criminal justice expenditures or upon any other equitable formula agreed to by the State and the entitlement.

(e) Prior OJJDP approval is necessary for any reprogramming of Part D funds out of juvenile justice. OJJDP should be notified of any reprogramming that increases the maintenance of effort level for a specific State.

§ 31.504 Adequate information to citizen and neighborhood and community organizations.

Pursuant to Sec. 402(f), citizen and neighborhood and community organizations shall be provided with adequate information concerning the amounts of funds available for proposed programs or projects, the range of activities that may be undertaken, and other important program requirements so that they may seek formula grant funds. State Councils and entitlement jurisdictions shall develop, implement and have on file for review, written procedures to assure that information is made available in a timely and usable fashion to citizen and community and neighborhood groups, so that they may fully participate in the program. These procedures must reflect affirmative efforts on the part of the State or the entitlement to disseminate information to these groups and may include, but are not necessarily limited to, workshops, correspondence, technical assistance, and training.

§ 31.505 Audit.

(a) *Policy.* Pursuant to the JSIA and OMB Circulars A–102 and A–110, as revised, it is LEAA policy that the audit function is primarily the responsibility of the State. Further in accordance with the Justice System Improvement Act and circulars A–102 and A–110, it is LEAA policy that:

(1) The State Council and each of its subgrantees must arrange for and have a financial and compliance audit of its activities. These audits are to determine whether:

(i) Financial operations are conducted properly;

(ii) The financial statements are presented fairly;

(iii) The organization has complied with laws and regulations affecting the expenditure of federal funds;

(iv) Internal procedures have been established to meet the objectives of federally assisted programs; and

(v) Financial reports to the Federal Government contain accurate and reliable information.

(2) Audits shall be made in accordance with the General Accounting Office Standards for Audit of Governmental Organizations,

Programs, Activities and Functions, the Guideline for Financial and Compliance Audits of Federally Assisted Programs, compliance supplements approved by OMB, and generally accepted auditing standards established by the American Institute of Certified Public Accountants.

(3) Audits of the State Council and each of its subgrantees will be made on an organization-wide basis (entity audits) and not on a grant-by-grant basis.

(4) Audits of the State Council and each of its subgrantees will usually be made annually, but not less frequently than every two years. When audits are performed less frequently than annually, they will cover the period since the previous audit.

(5) Audit reports, in accordance with GAO reporting standards and applicable requirements in OMB Circulars A-102 and A-110, will be prepared and issued in connection with all audit work. Procedures will be established to ensure the timely and appropriate resolution of the audit findings and recommendations contained in those reports.

The "Financial Management for Planning and Action Grants" Manual, Guideline M 7100.1A, Chapter 8, contains a more comprehensive statement of LEAA's audit policies and requirements relative to grantees and subgrantees.

(b) *Background.* Uniform administrative requirements have been established for *all* federal grantees, subgrantees and subrecipients (contractors, etc.) in OMB Circulars A-102, revised, "Uniform Administrative Requirements for Grant-In-Aid to State and Local Governments," and A-110, revised, "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations—Uniform Administrative Requirements." Attachments G and P of Circular A-102 and Attachment F of Circular A-110 specify the audit responsibilities included in these administrative requirements for grantees, subgrantees and subrecipients. Accordingly, the audit responsibilities of all recipients of LEAA funds are those specifically established in the JSIA and the referenced Attachments to OMB Circulars A-102 and A-110. As used in the Federal Government, the term audit means a systematic review or appraisal to determine and report on whether:

(1) Financial operations are properly conducted;

(2) Financial reports are presented fairly;

(3) Applicable laws and regulations have been complied with;

(4) Resources are managed and used in an economical and efficient manner; and

(5) Desired results and objectives are being achieved in an effective manner.

Collectively, the above five elements provide a *"full-scope"* audit and produce the greatest benefit to all potential users of audits. However, it is not envisioned that all audits will be "full-scope". Some audits may encompass only certain of the elements of a "full-scope" audit. For common reference throughout the government, audits which encompass only certain elements of a "full-scope" audit are identified as follows:

(1) Financial and compliance audits—elements numbers 1, 2 and 3 above in the definition of audit.

(2) Economy/efficiency audits—element number 4 above.

(3) Program results audits—element number 5 above.

OMB Circulars A-102 and A-110 mandate that all grantees, subgrantees and subrecipients must have at least a *financial and compliance* audit, usually annually but not less frequently than every two years. These audits are to be made on an organization-wide basis rather than on a grant-by-grant basis. Arrangements for the conduct of the audits are the responsibility of the grantees, subgrantees and subrecipients.

(c) *Application requirement.* Regarding the audit responsibilities applicable to the State Council and each of its subgrantees, the following must be submitted as part of the comprehensive State application.

(1) *State council.* The application must describe the procedures and controls to ensure that:

(i) An audit is performed by the State Council in accordance with the requirements of OMB Circular A-102. The application must indicate the organization that will conduct the audit of the Council, the approximate timing of audit performance and completion, the audit coverage to be provided including the period of activity to be included, and the assistance, both programmatic and audit, requested.

(ii) An audit report is issued in connection with the State Council audit and three (3) copies are forwarded to the Office of Audit and Investigation.

(iii) There is a timely and appropriate resolution of all audit findings and recommendations contained in the audit report of the State Council.

(2) *State Council subgrantee audits.* The comprehensive State application must describe the policy, procedures and controls established by the State Council to ensure each of its subgrantees satisfies the audit requirements. These procedures and controls must include:

(i) Clear notification to all applicants of the audit requirements.

(ii) A mechanism for ensuring that subgrantees explicitly agree to comply with the audit requirements (special or general conditions, specific commitment in the application, etc.).

(iii) A mechanism for determining that subgrantee audits are due or coming due, that necessary audits have been done and that corrective action is appropriately initiated for instances of subgrantee non-compliance with audit responsibilities.

(iv) A control for ensuring that audit reports are prepared upon completion of each subgrantee audit, obtained by the State Council and forwarded to the Office of Audit and Investigation.

(v) A control for ensuring the timely and satisfactory resolution of audit reports by the subgrantee.

(3) *General.* The number of active subgrantees (regardless of year or type of funds) that are currently in compliance with the A-102/A-110 audit requirements and the number that are not. Regarding this latter number, describe the Council's plans for bringing the subgrantees into compliance or the necessary corrective action that will be initiated.

§ 31.506 Civil rights.

(a) *Applicability.* The State Criminal Justice Council must assure that it will comply, and require its subgrantees to assure compliance with, the following nondiscrimination laws:

(1) Section 815(c) of the Justice System Improvements Act (JSIA), and its implementing regulations, found at 28 CFR 42.201, et seq. and 28 CFR 42.301, et seq.;

(2) Title VI of the Civil Rights Act of 1964, and its implementing regulation, found at 28 CFR 42.101, et seq.;

(3) Section 504 of the Rehabilitation Act of 1973, as amended, and its implementing regulations; and

(4) The Age Discrimination Act of 1975, as amended, and its implementing regulations.

(b) *Designation of Civil Rights Compliance Officer.* The State Criminal Justice Council shall designate an employee as Civil Rights Compliance Officer. This officer shall:

(1) Secure the assurances listed in § 31.506(a) in very application for assistance under the JSIA;

(2) Require that each state or local unit of government assure in its application that, in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination on the basis of race,

color, religion, sex or national origin against the recipient after a due process hearing, the recipient will forward a copy of the finding to the Council and LEAA within ten (10) days after receipt of the finding;

(3) Require that every applicant for a grant of $500,000 or more submit a copy of its Equal Employment Opportunity Program (EEOP), formulated in accordance with 28 CFR 42.301, et seq., to LEAA at the same time it submits its application to the Council; and

(4) Serve as liaison with the OJARS Office of Civil Rights Compliance (OCRC). The officer's duties in this regard include informing the public and grantees of an affected person's right to file a complaint of discrimination with OCRC, forwarding complaints of discrimination to OCRC for investigation, and cooperating with OCRC during compliance reviews of recipients located within the State.

§ 31.507 Open meetings and public access to records.

Pursuant to Section 402(e)(2), State Councils, Judicial Coordinating Committees and local criminal justice advisory boards must assure that meetings are open to the public and must give public notice of the time and place, and the nature of the business to be transacted, if final action is to be taken on any application for funds or amendment. Further, they must assure public access to all records relating to their functions, except those required to be kept confidential by local, State or Federal law.

§ 31.508 Use of equipment.

Entitlement jurisdictions and State Councils shall assure that equipment purchased with Crime Control Act block funds or Justice System Improvement Act formula monies, and whose cost in the aggregate was $100,000 or more, has been put into use not later than one year after the date set at the time of purchase for the beginning of such use and has continued in use during its useful life (Sec. 403(a)(9)).

Subpart G—Monitoring, Evaluation, and Reporting

§ 31.600 General.

(a) This subpart sets forth the monitoring, evaluation and reporting responsibilities of State Councils and entitlement jurisdictions, and of the Federal Government, under the JSIA formula grant program.

(b) The Justice System Improvement Act emphasizes Federal, State and local level accountability for program performance and results. It requires applicants to monitor activities, to assess their impact, and to report annually on performance. It requires the Federal Government to provide for the continuing evaluation of selected programs, and to report to the Congress on activities and results of Part D formula grants, as well as Part E national priority and Part F discretionary grants.

§ 31.601 Monitoring and evaluation.

(a) State Councils and entitlement areas shall establish policies and procedures for monitoring formula grant-funded programs and projects under their jurisdiction in order to ensure proper management and compliance with Federal law and regulations, and to identify problems which may require corrective action (Sec. 403(a)(b). Such procedures shall be in writing and on file and available for review.

(b) State Councils and entitlement areas shall assure the collection and submission of such data and information on program and project performance as may be required by the Administration purusant to Guidelines issued after a period for public review and comment. Such data and information shall be used by the Administration to meet reporting responsibilities pursuant to Sec. 816 of the JSIA and should be used by States and entitlement areas in assessing the impact of their programs and reporting to the Administration.

(c) State Councils and entitlement areas shall establish procedures for assessing the impact and effectiveness of their formula grant activities. Such procedures shall be in writing and available for inspection and review. As used here, assessment means a systematic analysis of data and information to determine the effectiveness, impact or value of a project, program, or activity, and is a type of evaluation.

(d) State Councils and entitlement areas shall undertake "intensive evaluations" of any program proposed pursuant to Sec. 401(a) of the JSIA that has a high probability of improving the functioning of the criminal justice system. "Intensive evaluations" are studies that are designed with sufficient methodological rigor to determine a cause and effect relationship between the program intervention and the results achieved.

(e) State Councils and entitlement areas may, at their discretion, undertake other intensive evaluations of programs or projects. Generally, intensive evaluation is necessary to support the nomination of programs for national priority grant designation or, conversely, to support a finding that a program is ineffective.

(f) Assessments, as well as any intensive evaluations, shall be used by applicants to ensure that formula grant moneys are not used for programs that are proven to be ineffective or to offer a low probability of success; to meet the policy and program development needs of State and local government; to justify continuation funding; and to meet statutory performance reporting requirements.

(g) State Councils may, at their discretion, require entitlement jurisdictions to forward copies of monitoring and evaluation reports to the Council for its information.

§ 31.602 Performance reports.

(a) State Councils shall submit annually to the Administration a performance report that describes the activities undertaken and assesses their impact on the problems and objectives set forth in the approved comprehensive State application, and shall assure that performance reports are submitted annually to the State Council by all subgrantees.

(1) Entitlement areas shall prepare a performance report describing activities under their jurisdiction and assessing their impact. Entitlement reports shall include the content specified in sec. 31.602(c). The entitlement reports shall be submitted to the State Council for inclusion in the comprehensive State performance report.

(2) Performance reports from all other subgrantees shall be submitted to the State in a manner and form prescribed by the State.

(b) States shall submit their reports to the Administration by no later than December 31 for activities undertaken and results achieved during the prior fiscal year. Reports shall be submitted to the Administration no later than December 31 following the first fiscal year covered by an application and annually thereafter. Thus, for applications covering the period FY 81–83, the first performance report would not be due at LEAA until December 31, 1981.

(c) Comprehensive State performance reports shall include a description of the activities carried out under the formula grant program and the results achieved, together with an assessment of their impact on the problems and objectives set forth in the approved comprehensive State application. This description and assessment of impact shall be cross-referenced to the eligible purposes for which formula grant moneys may be spent, set forth in Sec. 401(a) of the JSIA, and shall include program and project

performance data required by the Administration pursuant to guidelines issued after public review and comment.

(d) State Councils may suspend funding when a subgrantee fails to submit a performance report in conformance with Federal and State requirements or when, based on the performance report, monitoring, or intensive evaluation, the State finds that a project or program is not effective. The State's action is subject to appeal under the State's normal appeals process or, in the case of an entitlement area, the appeals process agreed to prior to application submission.

§ 31.603 Federal responsibilities.

(a) LEAA shall monitor the performance of applicants to determine if they are carrying out the purposes and provisions of Federal law and regulations, and if they are complying with the approved application.

(b) LEAA shall assure the continuing evaluation of selected Part D formula grant programs, as well as programs funded under Parts E (national priority grants) and F (discretionary grants). Such evaluations shall be in addition to those provided by State Councils and entitlement areas as part of their responsibility to assess the impact of their formula grant activities. They shall include examinations of:

(1) Whether programs or projects have achieved the performance goals stated in the original application, are of proven effectiveness, have a record of proven success, or offer a high probability of improving the criminal and juvenile justice system;

(2) Whether programs or projects have contributed or are likely to contribute to the improvement of the criminal justice system and the reduction and prevention of crime;

(3) Their cost in relation to their effectiveness in achieving stated goals;

(4) Their impact on communities and participants; and

(5) Their implication for related programs.

(6) The comparative effectiveness of programs conducted by similar and different applicants, and of programs supported with formula grants with similar programs carried out with national priority and descretionary grants (Sec. 802(e)].

(c) The National Institute of Justice (NIJ], where it deems appropriate, shall evaluate the effectiveness of programs carried out under the Justice System Improvement Act, including the Part D formula grant program.

(d) LEAA shall submit an annual report to the President and the Congress pursuant to the requirements of Section 816(a) of the Act.

(e) LEAA shall submit to the Congress within three years of the enactment of the JSIA, a report pursuant to the requirements of Sec. 816(b) of the Act. This report shall be based on evaluations and annual performance reports and shall provide data and information on the activities and results of the Part D formula program as well as the national priority and discretionary grant programs.

§ 31.604 Suspension of funding.

LEAA shall suspend funding in whole or in part for approved applications that contain programs or projects that do not conform with the allowable uses of Part D funds as set forth in § 31.204.

(a) *Criteria for LEAA suspension of funding.*

Section 404 of the Justice System Improvement Act specifies the substantive basis on which LEAA may determine that programs or projects previously approved do not meet the standards of effectiveness set forth in Sec. 401(a) and are ineligible for Part D support. Where LEAA makes such a determination, it shall suspend funding for that part of the approved application. In making such a determination, LEAA shall consider:

(1) Annual performance reports

(2) Failure to submit an annual performance report

(3) Evaluations conducted pursuant to Section 802(b)

(4) Evaluations and other information provided by the National Institute of Justice

(b) LEAA shall notify the grantee in writing of the specific reasons for suspension of funding and inform the grantee of its rights to appeal the decision and the precedures to be followed in accordance with Sections 803 and 805 of the Justice System Improvement Act and regulations issued pursuant thereto.

(c) If LEAA has suspended funding for an approved application, it will provide the applicant a reasonable period of time, normally not more than 90 days, to submit an amendment to the application that insures that the programs and projects conducted are consistent with the requirements of Section 401(a). If the applicant fails to submit such an amendment, the grant award amount shall be adjusted in accordance with the findings of LEAA.

Subpart H—Juvenile Justice

§31.700 General.

(a) The Juvenile Justice and Delinquency Prevention Act provides formula grants to States for use by State and local government and private non-profit agencies in carrying out juvenile justice improvement programs. This subpart sets forth all of the requirements for application and receipt of JJDP Act formula grants.

(b) the JJDP act requires an annual plan (application) which sets forth programs to be funded and other necessary information to assure compliance with the requirements of the statute. Responsibility for administering the program is vested in the State Council which, under the transition authority of the JSIA (Sec. 1301(i)), serves as the State Planning Agency for the purposes of the JJDP Act. The process for applying for and administering JJDP Act formula grant moneys differs in two major respects from that required by the JSIA:

(1) The juvenile justice plan is for one, rather than three years; and

(2) Entitlement jurisdictions have no mandated portion of funds or administrative responsibilities.

(c) The comprehensive State application must include programs for the improvement of juvenile justice funded with JSIA and JJDP Act formula funds. These programs shall be described in accordance with the standard format set forth in § 31.300; however, programs for JJDP Act funding shall be for one year rather than three. While juvenile justice programs may be integrated into the comprehensive State application, information to comply with all other requirements shall be included in a separate juvenile justice section of the application or amendment, and shall be submitted annually. Unless otherwise indicated, an assurance is sufficient to indicate compliance, providing that there has been no change from the previous year juvenile justice plan submission.

§ 31.701 Fund availability.

(a) *Allocation to States.* Each State receives a base allotment of $225,000 except for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Northern Marianas where the base amount is $56,250. Funds are allocated among the States on the basis of relative population of people under 18 years of age.

(b) *Funds for local use.* At least two-thirds of the formula grant allocation to the State must be used for programs of local government, or local private agencies unless the State applies for and is granted a waiver by LEAA.

(c) *Match.* Formula grants under the JJDP shall be 100 percent of approved costs, with the exception of planning

and administrative funds which must be matched dollar for dollar.

(d) *Funds for administration.* Not more than 7.5 percent of the total annual formula grant award may be utilized to develop the annual juvenile justice plan and to pay for administrative expenses, including monitoring and evaluation. These funds are to be matched on a dollar for dollar basis. The State shall make available needed funds for planning and administration to units of local government or combinations on an equitable basis.

§ 31.702 State Council.

(a) Pursuant to Sec. 223(a)(1) and (2) of the JJDP Act, the State Council shall assure that it is the sole agency for plan administration and has the authority to carry out the mandate of the JJDP Act even if an agency other than the Council implements the formula grant.

(b) The State Council shall establish a Juvenile Justice Advisory Group pursuant to Sec. 223(a)(3) of the JJDP Act. State Councils shall as part of their annual juvenile justice plan:

(1) Provide a list of all current advisory group members, indicating their respective dates of appointment and how each member meets the membership requirements specified in this Section of the Act. Indicate those members appointed prior to their 26th birthday as youth members. Full-time elected officials are considered to be government employees and may not be appointed to chair advisory groups.

(2) States shall assure that three youth members who have been or are now under the jurisdiction of the juvenile justice system have been appointed to the advisory group.

(3) Indicate the roles, responsibilities and activities of the advisory group concerning those duties listed in Section 223(a)(3) of the Act.

(c) Pursuant to Section 222(e) of the JJDP Act, the advisory group shall develop a plan for using the five percent minimum allotment which, upon review by the State, it shall submit as part of the application. The State shall indicate the total amount of funds allocated to the advisory group. For computing that allotment, use the following procedures:

(1) Each State shall allocate a minimum of $11,250; the Virgin Islands, Guam, American Samoa, Trust Territories of the Pacific Islands, and the Commonwealth of the Northern Marianas shall allocate $2,812.50. Do not count these funds as part of the maximum 7½ percent monies set aside for planning and administration. Calculate the latter on the total formula grant award.

(2) Use funds allocated to the advisory groups for such functions and responsibilities as are consistent with Section 223(a)(3) of the JJDP Act. Funds allocated to the advisory group shall not supplant any funds currently allocated to them.

§ 31.703 Other requirements.

(a) *Consultation with and Participation of Units of General Local Government.* Pursuant to Sections 223(a)(4) and (6) of the JJDP Act, the State shall assure that:

(1) The Chief Executive Officer of such a unit has assigned responsibility for the preparation and administration of its part of the State application.

(2) The State recognizes, consults with, and incorporates the needs of such units into the State application.

(b) *Participation of private agencies.* Pursuant to Sec. 223(a)(9) of the JJDP Act, the State shall assure that private agencies have been consulted and allowed to participate in the development and execution of the State application.

(c) *Pass-through requirement.* Pursuant to Sec. 223(a)(5) of the JJDP Act, the State must specify the amount and percentage of funds to be passed through to units of general local government and to local private agencies. For purposes of this requirement, local private agency is defined as a private nonprofit agency or organization that provides program services within an identifiable unit or a combination of units of general local government. States, in their review of progress toward meeting the requirements of Section 223(a)(12)(13), may pass through juvenile justice grant funds to entitlement jurisdictions as a supplement to their award of Part D formula grant funds under the JSIA.

(1) *Inclusion and compilation of pass-through.* (i) Formula grant funds that the State makes available to units of general local government or combination of units may be included in the compilation of pass-through. This includes fudns for planning and adminsitration as well as for programs.

(iii) If a unit of general local government or a combination of units has denied funding to a private agency, yet that agency received formula grant funds for programs consistent with the State application, then include those funds in the compilation of pass-through. In States lacking regional or local planning units, and in which the State distributes funds directly, a private agency need not first apply to a unit of general local government or a combination of units for funding. Those funds can also be included in the compilation of pass-through. In addition if a unit of general local government or a combination of units receives pass-through funds from the State and, in turn, refuses to fund a project submitted by a private agency, the State can reduce the local allocation if it funds the project.

(2) *Waiver of pass-through requirements.* State Councils shall make all requests for waivers in writing to the Administrator of OJJDP and enclose a statement setting forth the following:

(i) The extent of State and local implementation of juvenile justice and delinquency prevention programs.

(ii) The extent of State and local financial responsibility for juvenile delinquency programs.

(iii) The extent to which the State provides services or direct outlays for or on behalf of local governments (as distinct from statewide services).

(iv) The approval of the State Criminal Justice Council.

(v) Specific comments from local units of government expressing their position regarding the waiver.

(d) *Rights of privacy of recipients of services.* Pursuant to Section 223(a)(16) and 229 of the JDDP Act, the State shall assure that it has established procedures to ensure that programs funded under the JDDP Act shall not disclose program records containing the identity of individual juveniles. Exceptions to this require:

(1) Authorization by law;

(2) The consent of either the juvenile or his legally authorized representative; or

(3) Justification that otherwise the functions of this title cannot be performed.

Under no circumstances may public project reports or findings name actual juveniles in the program.

(e) *Deinstitutionalization of status offenders and nonoffenders.* Pursuant to Sec. 223(a)(12) of the JDDP Act the State council shall:

(1) Describe in detail its specific plan, procedure, and timetable for assuring that within three years of its initial submission of an approved plan, juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities.

(2) Describe the barriers, including financial, legislative, juvenile and administrative ones, the State faces in achieving full compliance with the provisions of this paragraph. All accounts shall include a description of

the technical assistance needed to overcome these barriers. These barriers should be keyed to the annual plan noted in paragraph (e)(1) above.

(3) For those States that have achieved "substantial compliance" as outlined in Section 223(c) of the Act, indicate the unequivocal commitment to achieve full compliance. Attach appropriate documentation.

(4) Submit the report required under Section 223(a)(12)(B) of the JJDP Act as part of the annual monitoring report required by paragraph 704(g).

(f) *Contact with incarcerated adults.* (1) Pursuant to Section 223(a)(13) of the JJDP Act the State Council shall:

(i) Describe in detail its specific plan and procedure for assuring that juveniles alleged to be or found to be delinquent, status offenders, and non-offenders will be removed from any institution in which they have regular contact with incarcerated adults, including inmate trustees. This prohibition seeks as absolute a separation as possible and permits no more than haphazard or accidental contact between juveniles and incarcerated adults. In addition, include a specific timetable for compliance and justify any deviation from a previously approved timetable.

(ii) In those isolated instances where juvenile criminal-type offenders remain confined in adult facilities or facilities in which adults are confined, the State must set forth in detail the procedures for assuring no regular contact between such juveniles and adults for each jail, lockup and detention and correctional facility.

(iii) Describe the barriers, including physical, judicial, fiscal, and legislative ones, which may hinder the removal and separation of alleged or adjudicated juvenile delinquents, status offenders and non-offenders from incarcerated adults in any particular jail, lockup, detention or correctional facility. All such accounts shall include a description of the technical assistance needed to overcome those barriers. These barriers should be keyed to the Annual Plan in § 31.703(f)(1)(i) above.

(iv) Assure that offenders are not reclassified administratively and transferred to a correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. However, this does not prohibit or restrict waiver of juveniles to criminal court for prosecution, according to state law. It does, however, preclude a State from administratively transferring a juvenile offender to an adult correctional authority for placement with adult criminals either before or after a juvenile reaches the statutory age of majority. It also precludes a State from transferring adult offenders to a juvenile correctional authority for placement.

(2) *Implementation.* Each State shall immediately plan and implement the requirement of this provision.

(g) *Monitoring of jails, detention facilities and correctional facilities.* (1) Pursuant to Section 223(a)(14) of the JJDP Act, the State Council shall:

(i) Indicate how it will annually identify and survey all public and private juvenile detention and correctional facilities and facilities usable for the detention and confinement of juvenile offenders and adult criminal offenders.

(ii) Provide a plan for an annual on-site inspection of all such facilities identified in paragraph (g)(1)(i) of this section. Such plan shall include the procedure for reporting and investing compliance complaints in accordance with Sections 223(a)(12) and (13).

(iii) Include a description of the technical assistance needed to implement fully the provisions of this paragraph.

(2) *For the purpose of monitoring,* a juvenile detention or correctional facility is:

(i) Any *secure* public or private *facility* used for the *lawful custody* of *accused of adjudicated juvenile offenders* or *non-offenders;* or

(ii) Any public or private facility, secure or non-secure which is also used for the lawful custody of accused or convicted adult *criminal offenders.*

(3) *Reporting requirement.* The State shall report annually to the administrator of OJJDP on the results of monitoring for both Sections 223(a)(12) and (13) of the JJDP Act. Three copies of the report shall be submitted to the Administrator of OJJDP no later than December 31 of each year.

(i) To demonstrate the extent of compliance with Section 223(a)(12)(A) of the JJDP Act, the report must at least include the following information for both the basline and the current reporting periods.

(A) Dates of baseline and current reporting period.

(B) Total number of public and private juvenile detention and correctional facilities AND the number inspected on-site.

(C) Total number of accused status offenders and non-offenders held in any juvenile detention or correctional facility as defined in paragraph (g)(2) of this section for longer than 24 hours.

(D) Total number of adjudicated status offenders and non-offenders held in any juvenile detention or correctional facility as defined in § 31.704.

(ii) To demonstrate compliance with Section 223(a)(12)(B) of the JJDP Act, the report must include the total number of accused and adjudicated status offenders and non-offenders placed in facilities that are:

(A) Not near their home community;

(B) Not the least restrictive appropriate alternative; and

(C) Not community-based.

(iii) To demonstrate the progress and extent of compliance with Section 223(a)(13) of the JJDP Act, the report must at least include the following information for both the baseline and the current reporting periods.

(A) Designated date for achieving full compliance.

(B) The total number of facilities that can be used for the secure detention and confinement of both juvenile offenders and adult criminal offenders.

(C) Both the total number of facilities used for the secure detention and confinement of both juvenile offenders and adult criminal offenders during the past 12 months AND the number inspected on-site.

(D) The total number of facilities used for secure detention and confinement of both juvenile offenders and adult criminal offenders AND which did not provide adequate separation.

(E) The total number of juvenile offenders and non-offenders NOT adequately separated in facilities used for the secure detention and confinement of both juveniles and adults.

(4) *Compliance.* A State must demonstrate compliance with Section 223(a)(12)(A) and (13) of the Act. Should a State fail to demonstrate substantial compliance with Section 223(a)(12)(A) by the end of the three-year time frame, eligibility for formula grant funding shall terminate.

(h) *Detailed study of needs and utilization of existing programs.* Pursuant to Section 223(a)(8) and (9) of the JJDP Act, the State Council shall assure that it has conducted a detailed study of the juvenile justice system. This study shall include: an analysis both of the juvenile crime for Part I offenses and of the status offenses and non-offenses, such as dependence and neglect, and an analysis of problems confronting the juvenile justice system. The result shall be a series of problem statements that reflect an analysis of the data and the monitoring reports and requirements of the JJDP Act and that provided the basis for developing the annual juvenile justice system programs.

(i) *Equitable distribution of juvenile justice funds and assistance to disadvantaged youth.* Pursuant to

Section 223(a)(7) and (15) of the JJDP Act, the State Council shall assure that:

(1) The State will adhere to procedures for the equitable distribution of JJDP Act formula grant money.

(2) The detailed study of needs analyzes the needs of disadvantaged youth and that assistance will be available equitably.

(3) It has developed and adheres to procedures for filing and considering grievances arising under this section.

(j) *Advanced Techniques.* Pursuant to Section 223(a)(10) of the JJDP Act, the State Council shall:

(1) Demonstrate clearly in its application that at least 75 percent of the JJDP funds support advanced techniques as enumerated in this section of the Act.

(2) In order to ensure timely compliance with Sections 223(a) (12), (13) and (14) of the JJDP Act, States should place special emphasis on projects which are designed to deinstitutionalize juveniles, separate juvenile and adult offenders, and monitor compliance.

(k) *Analytical and training capacity.* Pursuant to Section 223(a)(11) and (20) of the JJDP Act, the State Council shall provide an assurance that it will conduct research, training and evaluation activities.

(l) *Continuation support.* Pursuant to Section 228(a) of the JJDP Act, the State Council shall:

(1) Indicate the minimum duration of each JJDP program described in its plan.

(2) Indicate the minimum number of years that funding may be requested and received for projects in each program.

(3) Assure that each funded project shall receive funding for the minimum number of years, unless prematurely ended due to:

(i) A substantial decrease in Federal funding to a State under the JJDP Act; or

(ii) An applicant's failure to comply with the terms and conditions of the award; or

(iii) An applicant's failure to receive a satisfactory yearly evaluation. Here "satisfactory yearly evaluation" refers to monitoring, evaluation or performance reports as those terms are used in § 31.601 and § 31.602.

(4) The State must assure that potential applicants know the information submitted under paragraph (l) of this section when programs are announced.

(m) *Other terms and conditions.* Pursuant to Section 223(a)(12) of the JJDP Act, States shall agree to other terms and conditions as the Associate Administrator may reasonably prescribe to assure the effectiveness of programs assisted under the formula grant.

§ 31.704 Definitions.

(a) *Private agency.* A private non-profit agency, organization or institution is:

(1) Any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control, and

(2) Any other agency, organization or institution which is operated primarily for scientific, educational, service, charitable, or similar public purposes, but which is not under public supervision or control, and no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax-exempt under the provisions of Section 501(c)(3) of the 1954 Internal Revenue Code.

(b) *Juvenile offender.* An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law.

(c) *Criminal-type offender.* A juvenile who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(d) *Status offender.* A juvenile who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(e) *Non-offender.* A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

(f) *Accused juvenile offender.* A juvenile with respect to whom a petition has been filed in the juvenile court alleging that such juvenile is a criminal-type offender or is a status offender and no final adjudication has been made by the juvenile court.

(g) *Adjudicated juvenile offender.* A juvenile with respect to whom the juvenile court has determined that such juvenile is a criminal-type offender or is a status offender.

(h) *Facility.* A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public or private agencies.

(i) *Facility, secure.* One which is designed and operated so as to ensure that all entrances and exits from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.

(j) *Facility, non-secure.* A facility not characterized by the use of physically restricting construction, hardware and procedures and which provides its residents access to the surrounding community with minimal supervision.

(k) *Lawful custody.* The exercise of care, supervision and control over a juvenile offender or non-offender pursuant to the provisions of the law of a judicial order or decree.

(l) *Criminal offender.* An individual, adult or juvenile who has been charged with or convicted of a criminal offense in a court exercising criminal jurisdiction.

Subpart I—General Conditions and Assurances

§ 31.800 Compliance with statute.

The applicant State assures and certifies that the State Criminal Justice Council and its subgrantees and contractors will comply with the provisions of the Omnibus Crime Control and Safe Streets Act of 168, Pub. L. 90–351, as amended by Pub. L. 91–644, Pub. L. 93–83, Pub. L. 93–415, Pub. L. 94–430, Pub. L. 94–503, and Pub. L. 96–157 (the Justice System Improvement Act of 1979); and with the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93–415, as amended by Pub. L. 94–503, for activities funded under each Act.

§ 31.801 Compliance with other Federal laws, orders, circulars.

(a) The applicant State further assures and certifies that the State Criminal Justice Council and its subgrantees and contractors will comply with the regulations of the Department and other applicable Federal laws, orders and circulars. These requirements are described in greater detail in the "Application Handbook for Formula Grants." They include compliance, where applicable, with the provisions of the National Environmental Policy Act of 1969, Pub. L. 91–190; the National Historic Preservation Act of 1966, Pub. L. 89–665; the Flood Disaster Protection Act of 1973, Pub. L. 93–234; the Clean Air Act, Pub. L. 88–206; the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92–500; the Safe Drinking Water Act, Pub. L. 93–523; the Endangered Species Act of 1973, Pub. L.

93–205; the Wild and Scenic Rivers Act, Pub. L. 90–542; the Fish and Wildlife Coordination Act, Pub. L. 85–624; the Historical and Archeological Preservation Act, Pub. L. 93–291; the Coastal Zone Management Act of 1972, Pub. L. 92–583; the Hatch Political Activity Act, Pub. L. 93–443; the Animal Welfare Act of 1970, Pub. L. 91–579; the Impoundment Control Act of 1974, Pub. L. 93–344; the Rehabilitation Act of 1973, Pub. L. 93–112; the Intergovernmental Cooperation Act of 1968, Pub. L. 90–577; the Uniform Relocation Assistance and Real Property Property Acquisitions Policies Act of 1970, Pub. L. 91–646; Title VI of the Civil Rights Act of 1964, Pub. 88–352; the Joint Funding Simplification Act of 1974, Pub. L. 93–510; the Education Amendments of 1974 (Title IX), Pub. L. 93–318; Executive Orders Nos. 11246, 11375, 11507, 11738, 11752, and 11914; Office of Management and Budget Circulars Nos. A–102 and A–111; FMC Circulars Nos. 74–4 and 74–7 found at 34 CFR Parts 255 and 256 respectively; and all amendments and additions to those statutes, orders, and circulars.

(b) In administering funds awarded pursuant to this application, the State will assure compliance with 28 CFR Parts 18, 19, 20, 22, 42, and 52 as they relate to activities funded with LEAA funds; G 6060.1A Medical Research and Psychosurgery; and the Guideline Manual M 7100.1A, Financial Management for Planning and Action Grants. The State further represents that it has established policies and provided procedures to assure sound fiscal control, effective management, and efficient use of funds received pursuant to this grant. The State further agrees that any application for funds, technical assistance, or training involving purchase or use of electronic surveillance equipment to monitor wire or oral communications or other action touching on the subject of electronic surveillance of such communications, will be reviewed to assure that the State has enacted enabling legislation pursuant to 18 U.S.C. 2516(2) or meets the requirements of the special justification described in the "Application Handbook for Formula Grants."

§ 31.802 Application on file.

The applicant State assures that there is on file with LEAA an approved comprehensive State application which conforms with the purposes and requirements of Title I of Pub. L. 90–351, as amended. Any Federal funds awarded pursuant to this application will be distributed and expended pursuant to and in accordance with the programs contained in the applicant State's current approved application and such advance funds will not be awarded for any program not specifically approved and clearly set forth in the current comprehensive application. Any departures therefrom, other than to the extent permitted by the Administration's current program and fiscal regulations and guidelines, will be submitted for advance approval by the Administration. The applicant State assures that it has complied with any special grant conditions applicable to formula grants previously awarded to the State or, as to those special conditions to which action is not yet due or required, will comply with such conditions within specific deadlines.

§ 31.803 Non-discrimination.

The State Criminal Justice Council hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with all applicable nondiscrimination requirements, including but not limited to Section 815(c) of the Justice System Improvement Act and its implementing regulations found at 28 CFR 42.201, et. seq. and 28 CFR 42.301, et. seq.; Title VI of the Civil Rights Act of 1964, Subparts C–E of 28 CFR Part 42; and, where applicable, Section 262(b) of the Juvenile Justice Act, to the end that no person shall, on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under or be denied employment in connection with any program or activity funded in whole or in part with funds made available through the Law Enforcement Assistance Administration. The State Council further assures that it will comply with and will insure compliance by its State and local governmental subgrantees with the requirement that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination on the ground of race, color, religion, national origin, or sex against the recipient State or local government unit or agency thereof, it will forward a copy of the finding to the cognizant State Council and to LEAA. The State Council further insures that educational institutions comply with the provisions and requirements of Title IX, Section 901, of the Federal Amendments of 1972 (Pub. L. 92–318) which provides that no person shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving financial assistance from the Department of Justice. The State Council recognizes the right of the United States to seek judicial enforcement of the foregoing covenants against discrimination, and will include a similar covenant assuring the right of the United States to seek judicial enforcement in its subgrants or contracts.

§ 31.804 Applicability.

The applicant State hereby further assures and certifies that by appropriate language incorporated in each grant, subgrant, contract, subcontract, or other documents under which funds are to be disbursed, the grantee shall assure that these conditions apply to all recipients of assistance.

J. Robert Grimes,

Assistant Administrator, Office of Criminal Justice Programs.

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Federal Register

Monday
January 14, 1980

Part VI

Department of the Interior

Geological Survey

Determination of Nonavailability of Oil to Small Refiners and Announcement of Availability of OCS Royalty Oil

DEPARTMENT OF THE INTERIOR

Geological Survey

Disposal on Onshore Federal Royalty Oil

Notice is hereby given that applications from eligible refiners for the purchase of the United States royalty share of the oil produced from specific onshore Federal leases will be accepted if received by the contracting officials herein designated prior to the close of business in the respective offices on February 25, 1980. Applications received after that time will be rejected automatically without exception. The sources of royalty oil being offered include those now under contract as well as other sources where the royalty portion is taken at present in value rather than in kind. It is anticipated that the contracts awarded as a result of this offering will become effective on June 1, 1980, the date on which the current royalty oil contracts will expire. The new contracts so awarded will be for a 3-year term.

This offering is made pursuant to the regulations set forth in Title 30 CFR 225, and the resultant royalty oil contracts will be awarded in accordance with said regulation, modified to the extent necessary to conform to the decision of the Federal District Court, New Mexico, in *Plateau, Inc.* v. *Department of the Interior,* and which subsequently was sustained on appeal to the Tenth Circuit Court. The effect of that decision is to alter the criteria previously used in determining which applicants were qualified to purchase royalty oil from onshore Federal leases. Accordingly, the definition of an "eligible refiner," as it now appears in Title 30 CFR 225.2(a), is no longer appropriate and, for the purpose of this offering and the award of the resultant royalty oil contracts, shall be considered to read as: "Eligible refiner shall mean the owner of an existing refinery or refineries who can demonstrate its inability to acquire, from its own sources of production and/or in the open market, an adequate supply of crude oil to meet the needs of its existing refinery capacity." All other provisions in Title 30 CFR 225 which refer in any way to the need for an applicant to qualify as a small business refiner pursuant to the rules and regulations of the Small Business Administration similarly are negated. However, the definition of a "preference eligible refiner" (Title 30 CFR 225.2(e)) is not affected by the Plateau decision. The Secretary of the Interior, in the exercise of the discretionary authority granted him by the applicable statute, has elected to continue this geographic preference in the award of onshore Federal royalty oil contracts resulting from this offer. Thus, the needs of those applicants who qualify as "preference eligible refiners" will be accorded a priority over the needs of those applicants who are determined to the "eligible refiners." Applicants seeking oil for more than one refinery from sources in a single geograhic area are encouraged to file separate applications whenever their potential eligiblilty status would not be the same for each such refinery. For example, an applicant owning two refineries, one in New Mexico and one in Wyoming, and who applies for royalty oil offered by the Area Oil and Gas Supervisor, Casper, Wyoming, should consider the submittal of separate applications since the applicant potentially would be a "preference eligible refiner" as to its refinery in Wyoming but potentially only an "eligible refiner" with respect to the refinery in New Mexico.

In determining the actual needs of each qualified applicant, the Geological Survey (GS) will utilize the certifications of existing, operable refining capacity made by the Economic Regulatory Administration (ERA) of the Department of Energy (DOE). Despite its past practices to the contrary, the GS has determined, at least with respect to this offer, to entertain applications that are based, in part or in total, on new or expanding refinery capacity that is under construction but inoperable at the time of application; however, no royalty oil contract will be awarded on the basis of such pending refinery capacity unless that capacity is certified by ERA as operable prior to the date on which the available royalty oil is to be allocated to the qualified applicants. Absent the GS's timely receipt of such a certification, no consideration will be given to that portion of an application which is based on new or expanding refinery capacity which is under construction but inoperable at the time when the GS must begin to calculate the allocation for each qualified applicant. The rationale for this position is twofold. First, any royalty oil purchased may not be resold in kind, and, thus, no royalty oil may be awarded in the absence of the ability to process the oil. Secondly, it is considered inappropriate to allocate oil in these circumstances in the hope that the new or expanding refinery capacity will become operable after the allocation but prior to the effective date of the contracts. That would reduce the size of the allocations made to those qualified applicants who clearly can establish a need for their existing, operable refinery capacity. Should the new or expanding refinery capacity not become operable prior to the effective date of the new contracts, any allocations made on that basis must be cancelled, and the involved royalty oil would be unavailable for purchase until the next offering.

There is no standard form of application, but the regulations in Title 30 CFR 225.5 do prescribe that all such applications are to be filed in triplicate and must be accompanied by a detailed statement which provides certain information. As modified by the Plateau decision and other above considerations, the detailed statement should include the following:

1. Name and address of the applicant.
2. Location of the refinery or refineries for which royalty oil is sought.
3. The current ERA certified refining capacity of each such refinery.
4. Volume of crude oil currently available to the applicant from its own sources of production or through purchase in the open market by source, amount, and type of grade in the following categories:

a. From the applicant's owned or controlled sources of production. Include complete information as to any sales of such production to other parties.

b. By purchase in the open market under firm contracts that have a current life of 6 months or more. Specify the expiration date, if any, and the prospect for renewal, including any option to do so.

c. By day-to-day spot purchases or other similar arrangements.

d. By crude oil imports or allocations under other programs administered by DOE, including the buy-sell, entitlements, and Naval Petroleum Reserve royalty oil programs. Provide information as to exchange agreements connected with such current imports or allocations and as to the disposition of any unused portions of such imports or allocations.

e. By purchase under all Federal royalty oil contracts in effect, both onshore and offshore, and the expiration date of each such contract.

5. Specify the minimum amount and grade of additional crude oil required to meet the applicant's existing and future refining commitments or the needs of existing, certified operating refinery capacity. If any of said need is based on new or expanding refinery capacity which is inoperable but now under construction, that amount must be quantified.

6. The name of the field or fields which are believed to offer a potential source for crude oil or a desirable grade.

7. Transportation facilities available at or adjacent to the sources identified in No. 6 which the applicant would propose to utilize to access royalty oil.

8. As to each refinery for which royalty oil is sought, provide tabulation of preceding 12 months of operation or the last 12 months of operation which specifies, for each month, the volume and type or grade of crude oil refined and the kind and amount of the principal finished products.

9. Attach copies of recent letters exchanged with all major crude oil suppliers in the field or fields identified in No. 6 and/or the general geographic area as well as any other available evidence that would document the applicant's inability to acquire in the open market an adequate supply of crude oil to meet the needs of existing, operable refining capacity.

10. State whether the payment for the royalty oil would be made prior to the month of purchase, at the end of the purchase month, or at the end of the month following the purchase month.

Applicants are advised that, pursuant to the United States Criminal Code (18 U.S.C. 1001), it is a criminal offense to make willfully false statements or representations to any Department or Agency of the United States as to any matters within its jurisdiction.

Applicants are also cautioned to comply fully with the above requirements for application content by providing the necessary level of detail in response to each item. Given the fact that the new contracts are to be awarded effective June 1, 1980, and the time required to complete the major administrative tasks leading to that objective, the schedule will not permit the GS to follow its past practice of according to those applicants who submit incomplete information an opportunity to supplement their applications. Thus, the filing of an application that is defective to a significant degree will be grounds for excluding the application from further consideration. Accordingly, should there be any question as to the acceptability of the intended response to any item in the application, the applicant should consult directly with the office or offices in which it intends to file an application or applications.

It is anticipated that the volume of oil requested by those applicants who subsequently are determined to be qualified to purchase onshore Federal royalty oil will exceed the amount available for sale. In order to provided for an equitable allocation, first among the "preference eligible refiners" and, if any of the available royalty oil then remains, among the " eligible refiners," the available royalty oil will be allocated on a qualified applicant number basis as to each such class of refiner. The allocation of royalty oil on this basis would be:

1. Each qualified applicant would receive as its initial base allocation an amount that is equivalent to the total volume of available royalty oil divided by total number of qualified applicants.

2. As applicable, the initial base allocation of each qualified applicant would be adjusted downward to the volume requested in the related application or to that volume determined to be excess operable refining capacity (based on an ERA certification), whichever is the lesser.

3. Any available royalty oil which is eliminated from the initial base allocation of a qualified applicant will be distributed equally among the other qualified applicants, subject to the provisions of No. 2 above, and so forth, until the final base allocation of each qualified applicant is determined individually.

4. It is anticipated that the qualified applicants will consider certain sources of royalty oil to be preferable to others. Accordingly, when the available royalty oil is produced from more than one source, it is likely that a drawing will be held at the allocation meeting to determine the preferential order in which the qualified applicants will be permitted to select the sources from which their final base allocations will be derived. The qualified applicants must rcognize in advance, however, that the total volume available from the sources ultimately selected will not equate to their final base allocations and, thus, a further adjustment may be required to assure equity and to avoid, if possible, the splitting of a single source among two or more qualified applicants.

Once the sources to be allocated have been determined, the GS will prepare the contracts on that basis and send them to the qualified applicants for execution. Each successful applicant will also be apprised at that time as to the amount of the initial surety which must be provided to guarantee its performance of the obligations established by the contract. The amount of the surety will be based on the payment plan selected; the volume and value of the royalty oil to be taken during the applicable period of time (30 days if payment is to be made in advance of the purchase month, 60 days if payment is to be made by the end of the purchase month, and 90 days if payment is to be made by the end of the month following the purchase month); and an administrative charge equivalent to one-half of 1 percent of the value of the oil to be taken during said applicable period of time. Applicants must strive to submit the executed contract, the required surety, and the related exchange agreements for apporval by the date specified by the contracting officer in his letter transmitting the completed contract for execution. A failure to do so will render it impossible to award the contract effective as of June 1, 1980. Moreover, if an applicant fails to complete all actions leading to the award of a contract by September 1, 1980, the allocation will become a nullity and the involved royalty oil will not be made available for purchase until the next offering. The term of any contract awarded effective July 1, August 1, or September 1, 1980, will be shortened to conform with the expiration date of those contracts which become effective on June 1, 1980.

The form of contract is expected to follow that used in earlier awards of onshore Federal royalty oil, although the GS does intend to review the form prior to the allocation meetings to ascertain whether any modifications are required by reason of changed circumstances. Applicants can obtain a copy of the current contract form by contacting this office or the offices of any of the contracting officials listed herein. Applicants can also obtain more detailed information from the latter offices as to the individual sources and volumes of royalty oil being made available in each geographic area. The most critical dates in the administrative process which applicants should keep in mind are the following:

1. The closing date for the GS's receipt of applications is February 25, 1980. All applications received after that date will, without exception, be rejected automatically.

2. The closing date for the GS's receipt of ERA certifications of new or expanding refinery capacity under construction but not operable at the time of application is March 3, 1980. If not received by that date, no consideration will be given to allocating oil on the basis of need for inoperable refining capacity. Applicants who are seeking oil for refiners which have become operable recently and who have yet to receive ERA certification must also provide such a certification by that time, otherwise their applications will not be considered.

3. It is anticipated that the allocation meetings will be held in the offices of the below-listed contracting officials during the week beginning March 10, 1980.

4. By April 1, 1980, the contracting officials will mail the completed contracts to the successful applicants

and advise them as to the amount of the required surety.

5. Applicants must return the executed contracts, the required surety, and the related exchange agreements for approval by April 25, 1980, if they are to be awarded a contract effective as of June 1, 1980. The submission of all related papers in an approvable condition after that date will defer the award of the royalty oil contract. Moreover, the failure to provide all necessary documents leading to the award of a contract by no later than September 1, 1980, will result in the cancellation of the allocation.

6. By no later than May 1, 1980, the contracting officials of the GS must provide the affected lessess and operators of the involved Federal leases with the required 30-day advance notification of the intent to take the royalty oil in kind.

The total quantity of onshore Federal royalty oil herein offered for purchase by qualified applicants totals in aggregate approximately 43,790 barrels of royalty oil per day. The available royalty oil is produced from Federal leases in six geographic areas, as follows:

Alaska Area

Preference States: Alaska.

Amount and Sources of Available Royalty Oil: Approximately 1,380 barrels of royalty oil per day produced from Federal leases in Alaska.

Contracting Official: Mr. Rodney A. Smith, Alaska Area Oil and Gas Supervisor, P.O. Box 259, Anchorage, Alaska 99510. The telephone number is (907) 271–4301.

Eastern Area

Preference States: Illinois, Kentucky, Minnesota, Mississippi, Tennessee, Wisconsin, and all States eastward to the Atlantic Seaboard, including the District of Columbia.

Amount and Sources of Available Royalty Oil: Approximately 180 barrels of royalty oil per day produced from Federal leases in Michigan and Mississippi.

Contracting Official: Mr. V. L. Pauli, Eastern Area Oil and Gas Supervisor, 1725 K Street, N.W., Suite 204, Washington, D.C. 20006. The telephone number is (202) 634–6654.

Mid-Continent Area

Preference States: Arkansas, Iowa, Kansas, Louisiana, Missouri, Oklahoma, and Texas east of the 100th Meridian.

Amount and Sources of Available Royalty Oil: Approximately 475 barrels of royalty oil per day produced from Federal leases in Louisiana.

Contracting Official: Mr. Floyd L. Stelzer, Mid-Continent Area Oil and Gas Supervisor, 6136 East 32nd Place, Tulsa, Oklahoma 74135. The telephone number is (918) 581–7631.

Northern Rocky Mountain Area

Preferene States: Colorado (except as to those lands within the north townships and west ranges of the New Mexico Principal Meridian), Montana, Nebraska, North Dakota, South Dakota, Utah (except San Juan County), and Wyoming.

Amount and Sources of Available Royalty Oil: Approximately 30,000 barrels of royalty oil per day produced from Federal leases in Colorado, Montana, North Dakota, Utah, and Wyoming.

Contracting Official: Mr. C. J. Curtis, Northern Rocky Mountain Area Oil and Gas Supervisor, P.O. Box 2859, Casper, Wyoming 82602. The telephone number is (307) 265–5550.

Southern Rocky Mountain Area

Preference States: Colorado (as to those lands within the north townships and western ranges of the New Mexico Principal Meridian), New Mexico, Texas west of the 100th Meridian, and San Juan County, Utah.

Amount and Sources of Available Royalty Oil: Approximately 5,425 barrels of royalty oil per day produced from Federal leases in Colorado, New Mexico, and San Juan County, Utah.

Contracting Official: Mr. J. W. Sutherland, Southern Rocky Mountain Area Oil and Gas Supervisor, P.O. Box 26124, Albuquerque, New Mexico 87102. The telephone number is (505) 766–2841.

Western Region

Preference States: Arizona, California, Idaho, Nevada, Oregon, and Washington.

Amount and Sources of Available Royalty Oil: Approximately 6,330 barrels of royalty oil per day produced from Federal leases in California and Nevada.

Contracting Official: Mr. Bill R. LaVelle, Acting Western Region Oil and Gas Supervisor, Room 106, 1340 West 6th Street, Los Angeles, California 90017. The telephone number is (213) 688–2846.

Eddie R. Wyatt,

Acting Chief, Conservation Division, Geological Survey.

[FR Doc. 80–1310 Filed 1–11–80; 8:45 am]

BILLING CODE 4310–31–M

Determination of Nonavailability of Oil to Small Refiners and Disposal of Federal Royalty Oil

Determination of Nonavailability of Oil to Small Refiners

Pursuant to Section 27 of the OCS Lands Act, as amended, the Secretary of the Interior in consultation with the Secretary of Energy, has determined that small refiners do not have access to adequate supplies of oil at equitable prices. Therefore, the Secretary of the Interior is making OCS royalty oil available for purchase.

Availability of OCS Royalty Oil

Notice is hereby given that applications from small refiners for the purchase of the United States' share of oil produced from Gulf of Mexico OCS and Pacific OCS lands will be accepted until February 25, 1980. Applications received after that time will be rejected automatically without exception. The sources of royalty oil being offered include those now under contract as well as other sources where the royalty portion is now taken in value rather than in kind. It is anticipated that the contracts awarded as a result of this offering will become effective on July 1, 1980, the date on which the current royalty oil contracts will expire. The new contracts so awarded will be for a 3-year term.

This offering is made pursuant to the regulations set forth in Title 30, CFR 225(a), with certain modifications as outlined herein. It is anticipated that, prior to the allocation of any royalty oil under this offering, the Department of Energy (DOE) will issue regulations pertaining to the Acquisition and Disposition of Federal Royalty Interests Taken in Kind set forth in Title 10, CFR 391. Subpart B of Part 391 relates to the disposition of Federal OCS royalty oil. The DOE-proposed regulations provide that the issuance of Part 391 will not affect offering of royalty oil made under 30 CFR 225(a).

However, in order to prevent misunderstanding concerning the applicable regulations, the definition of small refiner for the purpose of this offering and the award of resultant royalty oil contracts shall be considered to be the same as that proposed in 10 CFR 391.102 and reads as follows:

"'Small refiner' means an owner of an existing refinery or refineries who can demonstrate its qualification as a small business concern under the rules of the Small Business Administration, both at the time of application and at the time of award of the contract to purchase such oil. The combined refinery capacity of a small refiner shall be employed in determining if a small refiner

has demonstrated its qualification under the preceding sentence."

In accordance with the anticipated DOE regulations, the Geological Survey (GS) will entertain applications that are based, in part or in total, on new or expanding refinery capacity that is under construction but inoperable at the time of application; however, no royalty oil contract will be awarded on the basis of such pending refinery capacity unless that capacity is certified by the Economic Regulatory Administration (ERA) as operable on or before April 1, 1980. Absent the USGS's timely receipt of such a certification, no further consideration will be given to that portion of an application which is based on new or expanding refinery capacity which is under construction but inoperable.

The following information should be furnished with each application for royalty oil:

A. (1) Name and address.

(2) Location of refinery or refineries.

(3) Affiliation or association with any other refiner of oil or diversified company. Specify exact affiliation or association.

(4) Total number of employees including those employed by affiliated or associated companies.

B. (1) Capacity of each refinery as certified by the ERA.

(2) Crude oil currently available from production or by purchase in the open market, broken down by source, amount, and type or grade into the following categories:

(a) From applicant's own and controlled production. Include information on any current sales of owner or controlled production.

(b) By purchases under firm contracts running 6 months or more.

(c) From day-to-day spot purchases or other arrangements.

(d) From crude oil imported by allocation under the mandatory imports program, include details of current exchange agreements connected with such import allocations and any information concerning the disposition of any unused import allocations.

(e) By purchase under all existing Federal royalty oil contracts, both onshore and offshore, and the expiration date of each such contract.

C. (1) Minimum amount and grade of additional crude oil needed to meet existing and future commitments or the needs of existing certified operating capacity. If any of the stated need is based on new or expanded refinery capacity which is inoperable, that amount must be quantified.

(2) Name of fields which, you believe, offer a potential source of crude oil supply.

D. A tabulation, for the last 12 months of operation, of the amount and grade of crude oil refined each month and kind and amount of the principal finished products.

E. A self-certification that the refinery is a small business concern in accordance with the appropriate guidelines of the Small Business Administration, Title 13 of the code of Federal Regulations, Part 121.3-9.

Applicants are also cautioned to comply fully with all the requirements for applications by providing the necessary level of detail in response to each item. Given the fact that the new contracts are to be awarded effective July 1, 1980, and the time required to complete the major administrative tasks leading to that objective, the schedule will not permit the USGS to follow its past practice of according to those applicants who submit incomplete information an opportunity to supplement their applications. Thus, filing of an application that is defective to a significant degree will be grounds for excluding the application from further consideration. Accordingly, should there be any questions as to the acceptability of the intended response to any item in the application, the applicant should consult directly with the office or offices in which it intends to file an application or applications.

It is anticipated that the volume of royalty oil requested will be in excess of the amount available for sale. In order to provide an equitable allocation of the royalty oil available, first preference for this royalty oil will be given to eligible small refiners who have not received an allocation of onshore royalty oil. The allocation of royalty oil to each qualified refiner will include consideration of the following:

1. Each refiner would receive an equal amount as its base allocation volume; this base is determined by the amount of royalty oil available and the number of eligible refiners.

2. No volume of royalty oil received would exceed the base allocation volume; however, the base volume may be increased by the availability of oil not allocated to eligible first-preference refiners.

3. The sum of the volumes of OCS and onshore royalty oil acquired or being acquired by a refiner will not exceed 60 percent of the combined refinery capacity of that refiner.

4. The amount allocated to a refiner will not exceed the maximum stated need.

5. The final amount of royalty oil allocated to any refiner from all OCS areas plus the amount of royalty oil being received from onshore Federal leases will not exceed the base allocation volume. In the event the amount of onshore royalty oil acquired by a refiner exceeds the base volume of OCS royalty oil allocated, no allocation of OCS royalty oil would be made to such refiner.

6. It is anticipated that the applicants will consider certain sources of royalty oil to be preferable to others. Accordingly, when the available royalty oil is produced from more than one source, it is likely that a drawing will be held at the allocation meeting to determine preferential order in which the qualified applicants will be permitted to select the sources from which their final base allocations will be derived. The qualified applicants must recognize in advance, however, that the total volume available from the sources ultimately selected will not equate to their final base allocations and, thus, that a further adjustment may be required to assure equity and to avoid, if possible, the splitting of a single source among two or more qualified applicants.

Once the sources to be allocated have been determined, the USGS will prepare the contracts on that basis and send them to the qualified applicants for execution. Each successful applicant will also be apprised at the time as to the amount of the initial surety which must be provided to guarantee its performance of the obligations established by the contract. The amount of the surety will be based on the payment plan selected, the volume and value of the royalty oil to be taken during the applicable period of time (30 days if payment is to be made in advance of the purchase month, 60 days if payment is to made by the end of the purchase month, and 90 days if payment is to be made by the end of the month following the purchase month), and an administrative charge equivalent to one-half of 1 percent of the value of the oil to be taken during said applicable period of time. During the applicable period of time, applicants must strive to submit the executed contract, the required surety, and the related exchange agreements for approval by the date specified by the contracting officer in his letter transmitting the completed copy for execution. A failure to do so will render it impossible to award the contract effective as of July 1, 1980. Morever, if an applicant fails to complete all actions leading to the award of a contract by October 1, 1980, the allocation will become a nullity, and

the involved royalty oil will not be made available for purchase until the next offering. The term of any contract awarded effective August 1, September 1, or October 1, 1980, will be shortened to conform with the expiration date of those contracts which become effective on July 1, 1980.

The form of contract is expected to follow that used in earlier awards of OCS Federal royalty oil, although the USGS does intend to review the form prior to the allocation meetings to ascertain whether any modifications are required by reason of changed circumstances. Applicants can obtain a copy of the current contract form by contacting this office or the offices of any of the contracting officials listed herein.

The most critical dates in the administrative process which applicants should keep in mind are the following:

1. The closing date for the USGS's receipt of applications is close of business February 25, 1980. All applications received after that date will, without exception, be rejected automatically.

2. The closing date for the USGS's receipt of ERA certification of new or expanding refinery capacity under construction but not operable at the time of application is April 1, 1980. If not received by that date, no consideration will be given to allocating oil on the basis of need for inoperable refining capacity. Applicants who are seeking oil for refineries which have become operable recently and who have yet to receive ERA certification must also provide such a certification by that time; otherwise, their applications will not be considered.

3. It is anticipated that the allocation meetings will be held in the offices of the below-listed contracting officials during the week beginning April 15, 1980.

4. By May 1, 1980, the contracting officials will mail the completed contracts to the successful applicants and advise them as to the amount of the required surety.

5. Applicants must return the executed contracts, the required surety, and the related exchange agreements for approval by May 23, 1980, if they are to be awarded a contract effective as of July 1, 1980. Submittal of all related papers in an approvable condition after that date will defer the award of the royalty oil contract. Moreover, the failure to provide all necessary documents leading to the award of a contract by no later than October 1, 1980, will result in the cancellation of the allocation.

6. By no later than June 1, 1980, the contracting officials of the USGS must provide the affected lessees and operators of the involved Federal leases with the required 30-day advance notification of the intent to take the royalty oil in kind.

The total quantity of OCS Federal royalty oil herein offered for purchase by qualified applicants totals in aggregate approximately 91,000 barrels of royalty oil per day. Of this total amount of royalty oil, approximately 87,000 barrels of oil per day will be available from leases in the Gulf of Mexico. Applications for the purchase of this royalty oil should be submitted to Mr. Milton Dial, Area Oil and Gas Supervisor, Accounting, U.S. Geological Survey, P.O. Box 7944, Metairie, Louisiana 70011. The telephone number is (504) 837–4720.

The remaining 4,000 barrels of royalty oil will be available from Pacific OCS leases. Applications for the purchase of this royalty oil should be submitted to Mr. Fred Schambeck, Area Oil and Gas Supervisor, 1340 West 6th Street, Room 160, Los Angeles, California 70017. The telephone number is (213) 688–2846.

Eddie R. Wyatt,

Acting Chief, Conservation Division, Geological Survey.

[FR Doc. 80-1311 Filed 1-11-80; 8:45 am]

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Reader Aids

Federal Register

Vol. 45, No. 9

Monday, January 14, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders (GPO)
202-275-3054	Subscription problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
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523-5227	Index and Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266 -5282	Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, JANUARY

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

71407 12–11–79 / Revision of Erysipelothrix Rhusiopathiae Bacteria Potency Test

Food Safety and Quality Service—

725721 12–14–79 / U.S. Standards for grades of maple sirup

ENVIRONMENTAL PROTECTION AGENCY

72118 12–13–79 / Approval and promulgation of implementation plans; final remission to Idaho State implementation plan

FEDERAL COMMUNICATIONS COMMISSION

75156 12–19–79 / Revising the processing policies for waivers; telephone company—cable television "cross ownership rules"

POSTAL SERVICE

76786 12–28–79 / Procurement of property and services

TRANSPORTATION DEPARTMENT

Coast Guard—

72130 12–13–79 / Re-Examination and refusal of licenses; final rule

WATER RESOURCES COUNCIL

72892 12–14–79 / Procedures for evaluation of National Economic Development (NED) benefits and costs in water resources planning (Level C)

72583 12–14–79 / Procedures for revising principles and standards manual of procedures

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing January 11, 1980

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: Feb. 8 and 22; March 7 and 21; at 9 a.m. (identical sessions)

WHERE: Office of the Federal Register, Room 9409, 1100 L Street N.W., Washington, D.C.

RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235.
Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.